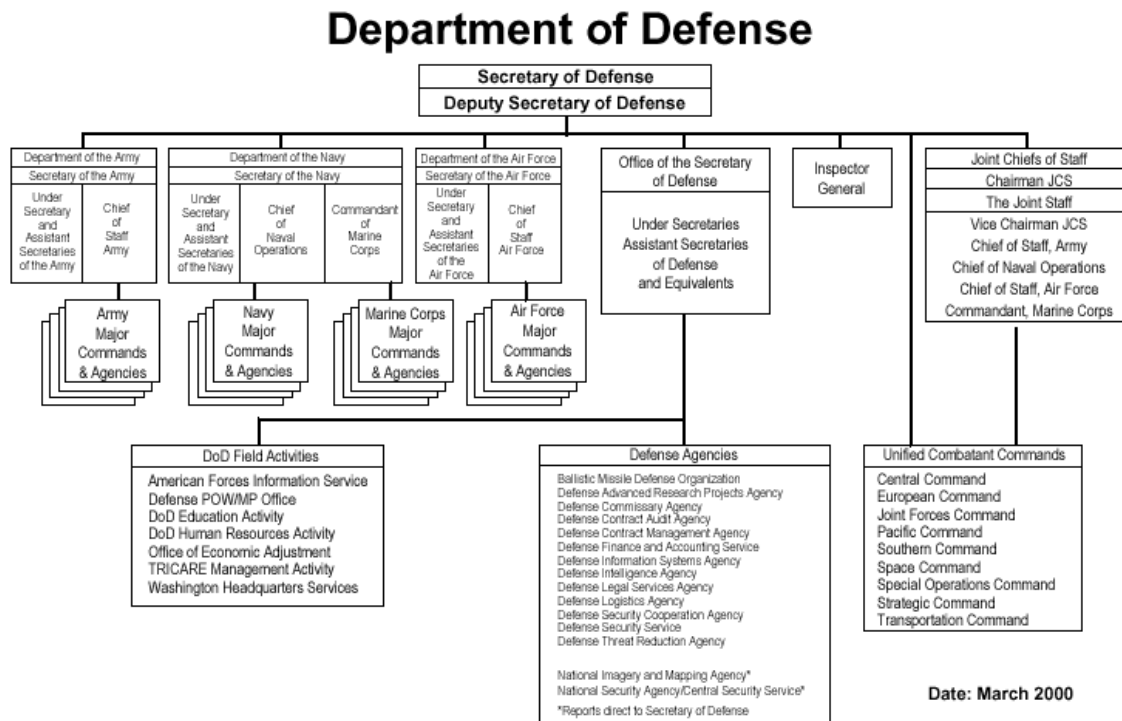


CHAPTER 25

JOINT OPERATIONS

DEPARTMENT OF DEFENSE

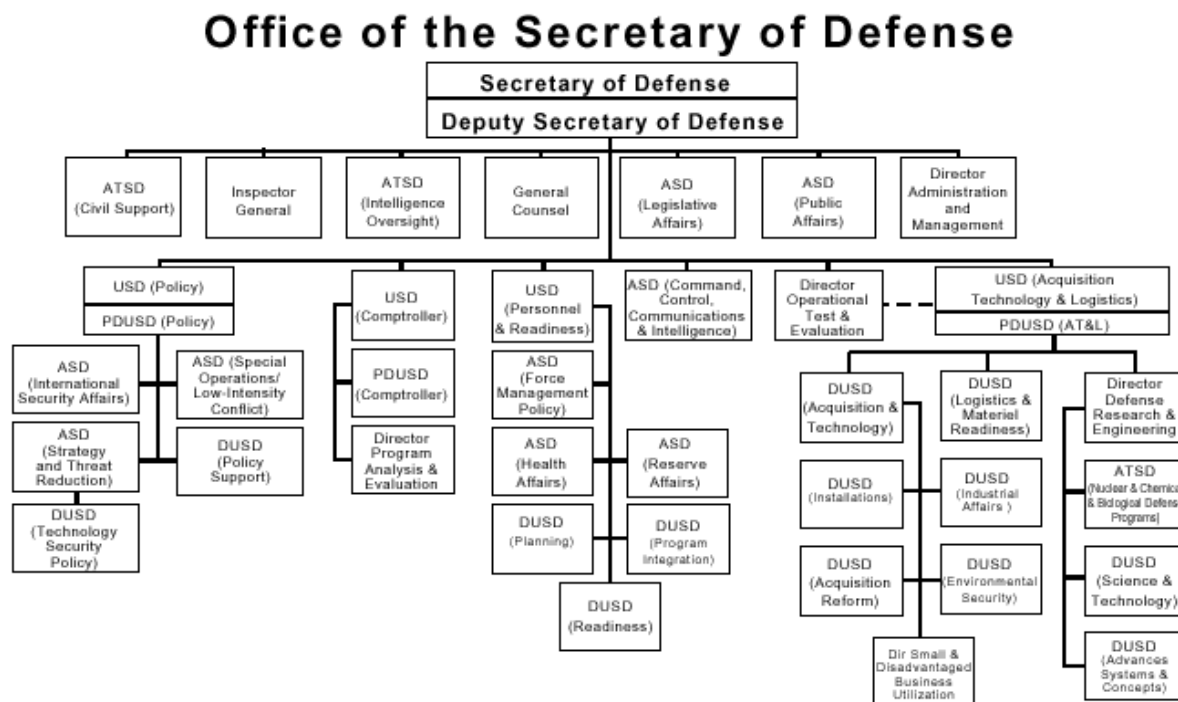
The **Department of Defense** (DoD) is responsible for providing the military forces needed to deter war and protect the security of the United States. The major elements of these forces are the Army, Navy, Air Force, and Marine Corps. Under the President, who is also Commander-in-Chief, the Secretary of Defense exercises authority, direction, and control over the Department which includes the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, three Military Departments, nine Unified Combatant Commands, the DoD Inspector General, fifteen Defense Agencies, and seven DoD Field Activities.



The **Secretary of Defense** is the principal defense policy advisor to the President and is responsible for the formulation of general defense policy and policy related to all matters of direct and primary concern to the DoD, and for the execution of approved policy. Under the direction of the President, the Secretary exercises authority, direction, and control over the Department of Defense.

The **Deputy Secretary of Defense** is delegated full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary on any and all matters for which the Secretary is authorized to act pursuant to law.

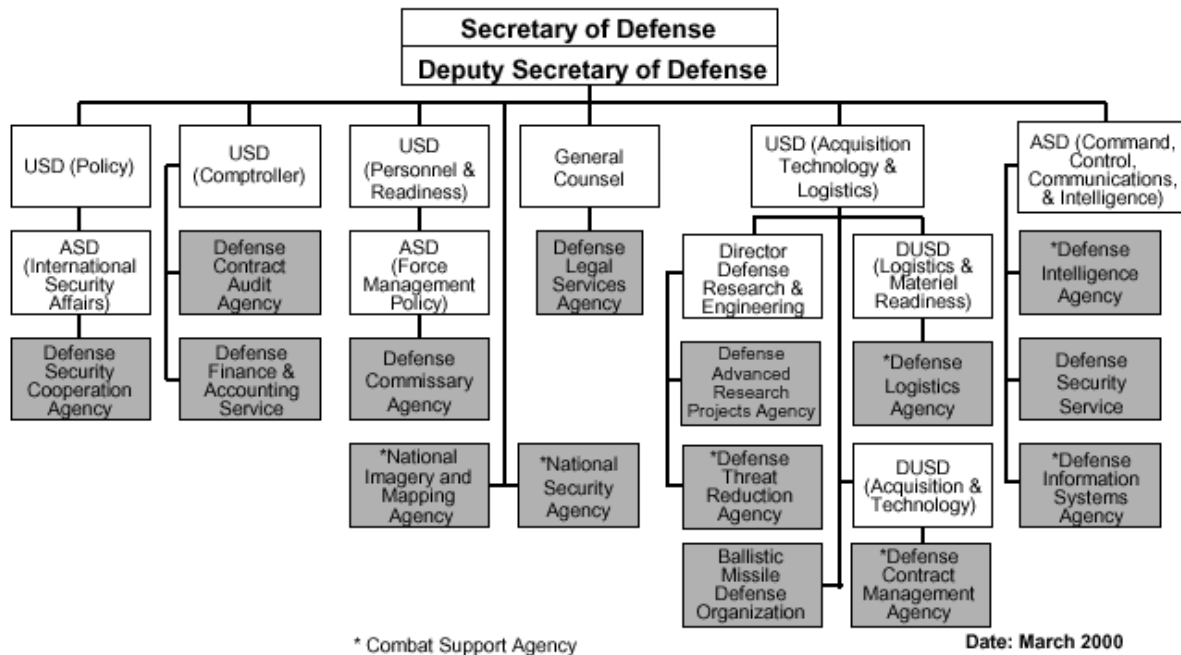
The **Office of the Secretary of Defense** (OSD) is the principal staff element of the Secretary in the exercise of policy development, planning, resource management, fiscal, and program evaluation responsibilities. OSD includes the immediate offices of the Secretary and Deputy Secretary of Defense, Under Secretary of Defense for Acquisition, Technology and Logistics, Under Secretary of Defense for Policy, Under Secretary of Defense for Personnel and Readiness, Under Secretary of Defense (Comptroller), Director of Defense Research and Engineering, Assistant Secretaries of Defense, General Counsel, Director of Operational Test and Evaluation, Assistants to the Secretary of Defense, Director of Administration and Management, and such other staff offices as the Secretary establishes to assist in carrying out assigned responsibilities.



Date: February 2000

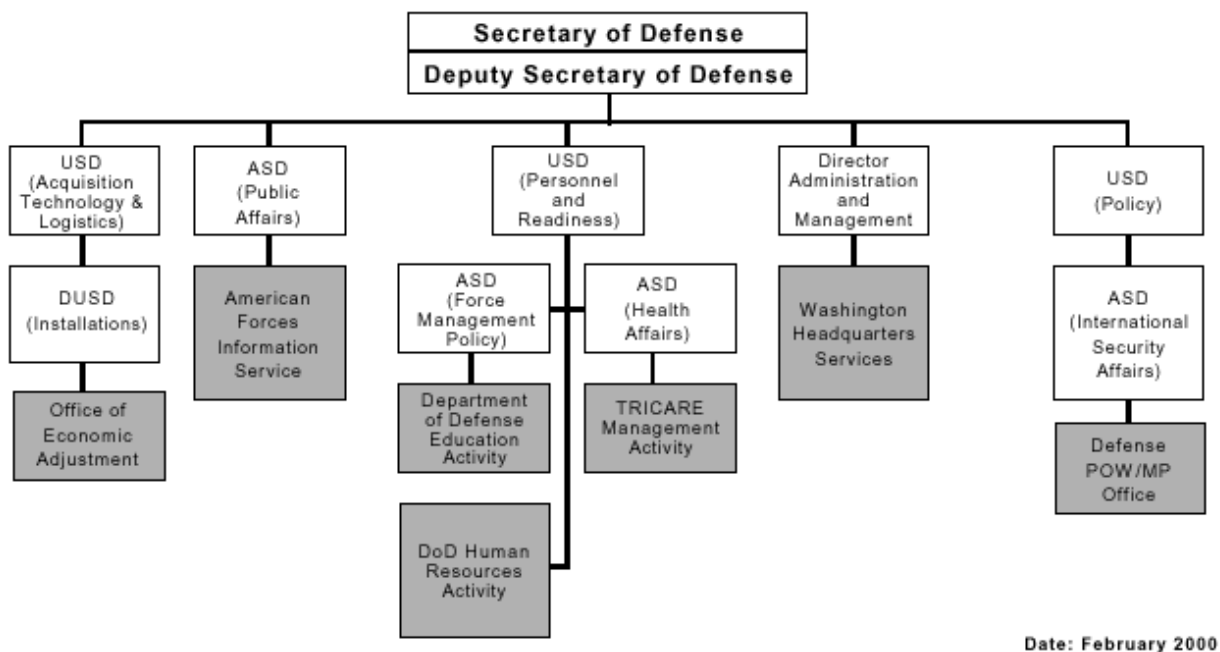
The **Defense Agencies**, authorized by the Secretary of Defense pursuant to the provisions of Title 10, United States Code, perform selected consolidated support and service functions on a Department-wide basis; Defense Agencies that are assigned wartime support missions are designated as Combat Support Agencies.

Defense Agencies



The **DoD Field Activities** are established by the Secretary of Defense, under the provisions of Title 10, United States Code, to perform selected consolidated support and service functions of a more limited scope than Defense Agencies.

DoD Field Activities



JOINT COMMAND AND STAFF

The Joint Chiefs of Staff consist of the Chairman, the Vice Chairman, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps. The collective body of the JCS is headed by the Chairman (or the Vice Chairman in the Chairman's absence), who sets the agenda and presides over JCS meetings. Responsibilities as members of the Joint Chiefs of Staff take precedence over duties as the Chiefs of Military Services. The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, Secretary of Defense, and the National Security Council (NSC), however, all JCS members are by law military advisers, and they may respond to a request or voluntarily submit, through the Chairman, advice or opinions to the President, the Secretary of Defense, or NSC. The executive authority of the Joint Chiefs of Staff has changed. In World War II, the U.S. Joint Chiefs of Staff acted as executive agents in dealing with theater and area commanders, but the original National Security Act of 1947 saw the Joint Chiefs of Staff as planners and advisers, not as commanders of combatant commands. In spite of this, the 1948 Key West Agreement allowed members of the Joint Chiefs of Staff to serve as executive agents for unified commands, a responsibility that allowed the executive agent to originate direct communication with the combatant command. Congress abolished this authority in a 1953 amendment to the National Security Act. Today, the Joint Chiefs of Staff have no executive authority to command combatant forces. The issue of executive authority was clearly resolved by the Goldwater-Nichols DoD Reorganization Act of 1986: "The Secretaries of the Military Departments shall assign all forces under their jurisdiction to unified and specified combatant commands to perform missions assigned to those commands..."; the chain of command "runs from the President to the Secretary of Defense; and from the Secretary of Defense to the commander of the combatant command."

CHAIRMAN OF THE JOINT CHIEFS OF STAFF (CJCS)

The Goldwater-Nichols DoD Reorganization Act of 1986 identifies the Chairman of the Joint Chiefs of Staff as the senior ranking member of the Armed Forces. As such, the Chairman of the Joint Chiefs of Staff is the principal military adviser to the President. He may seek the advice of and consult with the other JCS members and combatant commanders. When he presents his advice, he presents the range of advice and opinions he has received, along with any individual comments of the other JCS members.

Under the DoD Reorganization Act, the Secretaries of the Military Departments assign all forces to combatant commands except those assigned to carry out the mission of the Services, i.e., recruit, organize, supply, equip, train, service, mobilize, demobilize, administer and maintain their respective forces. The chain of command to these combatant commands runs from the President to the Secretary of Defense directly to the commander of the combatant command. The Chairman of the Joint Chiefs of Staff may transmit communications to the commanders of the combatant commands from the President and Secretary of Defense, but does not exercise military command over any combatant forces.

The Act also gives to the Chairman of the Joint Chiefs of Staff some of the functions and responsibilities previously assigned to the corporate body of the Joint Chiefs of Staff. The broad functions of the Chairman of the Joint Chiefs of Staff are set forth in Title 10, United States Code, and detailed in DoD Directive 5100.1. In carrying out his duties, the Chairman of the Joint Chiefs of Staff consults with and seeks the advice of the other members of the Joint Chiefs of Staff and the combatant commanders, as he considers appropriate.

VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

The DoD Reorganization Act of 1986 created the position of Vice Chairman of the Joint Chiefs of Staff, who performs such duties as the Chairman of the Joint Chiefs of Staff may prescribe. By law, he is the second ranking member of the Armed Forces and replaces the Chairman of the Joint Chiefs of Staff in his absence or disability. Though the Vice Chairman was not originally included as a member of the JCS, Section 911 of the National Defense Authorization Act of 1992 made him a full voting member of the JCS.

ASSISTANT TO THE CHAIRMAN

This three-star oversees matters requiring close personal control by the Chairman with particular focus on international relations and politico-military concerns.

MILITARY SERVICE CHIEFS

The military Service Chiefs are often said to “wear two hats.” As members of the Joint Chiefs of Staff, they offer advice to the President, the Secretary of Defense, and the NSC. As the chiefs of the Military Services, they are responsible to the Secretaries of their Military Departments for management of the Services. The Service Chiefs serve for 4 years. By custom, the Vice Chiefs of the Services act for their chiefs in most matters having to do with day-to-day operation of the Services. The duties of the Service Chiefs as members of the Joint Chiefs of Staff take precedence over all their other duties.

THE JOINT STAFF

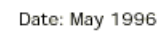
The Joint Staff assists the Chairman of the Joint Chiefs of Staff in accomplishing his responsibilities for: the unified strategic direction of the combatant forces; their operation under unified command; and for their integration into an efficient team of land, naval, and air forces. The “Joint Staff” is composed of approximately equal numbers of officers from the Army, Navy and Marine Corps, and Air Force. In practice, the Marines make up about 20 percent of the number allocated to the Navy.

Since its establishment in 1947, statute has prohibited the Joint Staff from operating or organizing as an overall armed forces general staff; therefore, the Joint Staff has no executive authority over combatant forces.

The Chairman of the Joint Chiefs of Staff, after consultation with other JCS members and with the approval of the Secretary of Defense, selects the Director, Joint Staff, to assist in managing the Joint Staff. By law, the direction of the Joint Staff rests exclusively with the Chairman of the Joint Chiefs of Staff. As the Chairman directs, the Joint Staff also may assist the other JCS members in carrying out their responsibilities.

In the joint arena, a body of senior flag or general officers assists in resolving matters that do not require JCS attention. Each Service Chief appoints an operations deputy who works with the Director, Joint Staff, to form the subsidiary body known as the Operations Deputies or the OPSDEPS. They meet in sessions chaired by the Director, Joint Staff, to consider issues of lesser importance or to review major issues before they reach the Joint Chiefs of Staff. With the exception of the Director, this body is not part of the Joint Staff. There is also a subsidiary body known as the Deputy Operations Deputies (DEPOPSDEPs), composed of the Vice Director, Joint Staff, and a two-star flag or general officer appointed by each Service Chief. Currently, the DEPOPSDEPs are the Service directors for plans. Issues come before the DEPOPSDEPs to be settled at their level or forwarded to the OPSDEPS. Except for the Vice Director, Joint Staff, the DEPOPSDEPs are not part of the Joint Staff.

Matters come before these bodies under policies prescribed by the Joint Chiefs of Staff. The Director, Joint Staff, is authorized to review and approve issues when there is no dispute between the Services, when the issue does not warrant JCS attention, when the proposed action is in conformance with CJCS policy, or when the issue has not been raised by a member of the Joint Chiefs of Staff. Actions completed by either the OPSDEPs or DEPOPSDEPs will have the same effect as actions by the Joint Chiefs of Staff.



ARMY

You can fly over a land forever; you may bomb it, atomize it, pulverize it and wipe it clean of life but if you desire to defend it, protect it, and keep it for civilization you must do this on the ground, the way the Roman Legions did, by putting your young men in the mud.

T.R. Fehrenbach
THIS KIND OF WAR

Through all this welter of change and development, your mission remains fixed, determined, inviolable—it is to win our wars.

GEN Douglas MacArthur
Address to the Corps of Cadets, May 12, 1962

ARMY MISSION

America's Army is organized, trained, and equipped to succeed across the full spectrum of military operations—providing the nation a full range of capabilities for a range of threats and challenges. The primary mission remains, as it always has been, **to fight and win our nation's wars**—some of which are increasingly ambiguous and difficult to define. The pattern of international conflict in the post-Cold War environment requires military forces that can do more than just fight. Our experiences over the past six years prove that the nation's military might is also defined by our ability to deter, reassure, and support.

The Army must always have capabilities to **compel** any adversary to do what he otherwise would not do of his own free will. These same capabilities also contribute to our ability to **deter** adversaries, to keep them from acting inimically to our interests in the first place. The employment of military forces without necessarily engaging in combat to **reassure** allies and friends promotes stability and contributes to our ability to influence international outcomes. Finally, our armed forces use their capabilities to **support** domestic authority in times of natural disaster, civil disturbance, or other emergencies requiring humanitarian assistance.

ARMY FORCE STRUCTURE

The Army's conventional force structure is summarized on the charts below. The Army is the Nation's first full spectrum force, capable of conducting prompt and sustained land operations across the entire spectrum of military operations—from assistance to local authorities in times of emergency, to full scale conflict. It also is multi-mission capable, providing a range of options for America's participation in the post-Cold War world. It is a Total Army made up of Active, Army National Guard, and U.S. Army Reserve soldiers and civilians.

Army Force Structure and End-Strength, FY 2000	
Active Component	
Divisions	10
Separate brigades and armored cavalry regiments	2
End-strength ^a	475,000
Army National Guard	
Divisions	8
Separate brigades and armored cavalry regiments ^b	18
End-strength ^a	363,000
Army Reserve End-Strength^a	210,000
^a Includes all functional areas of combat, combat support, and combat service support.	
^b Fifteen will be enhanced separate brigades.	
Civilians End-Strength	227,000

Unit Type	Typical Size	
Corps	Up to 100,000 soldiers	4 Corps in the Army
Divisions	10,000-18,000 soldiers	10 active in the Army
Brigades	1,000-6,000 soldiers	27 separate Brigades, most Army National Guard
Battalions	600 soldiers	
Companies	120-180 soldiers	
Platoons	35 soldiers	
Squads	9 soldiers	

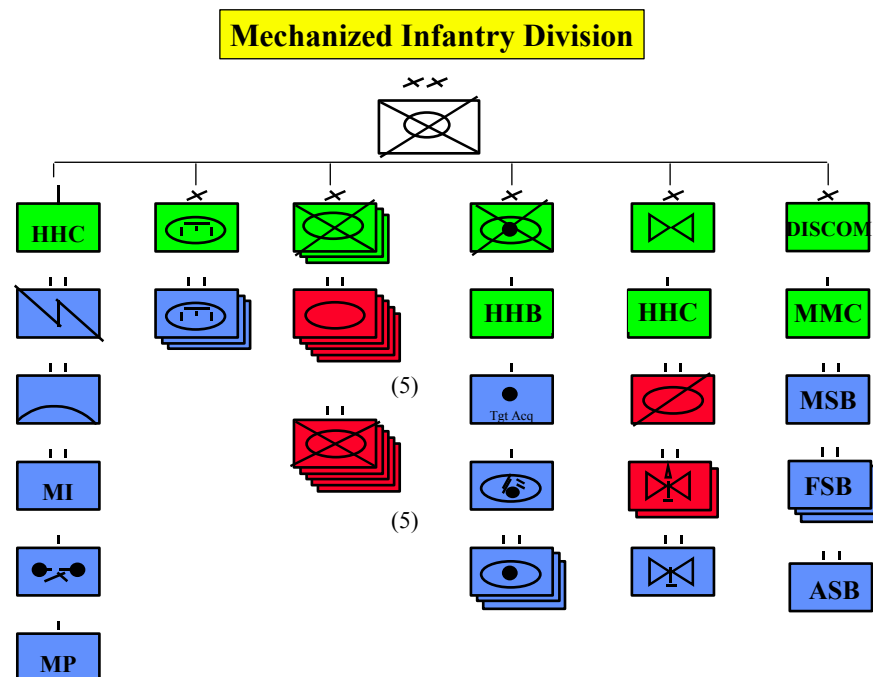
Conventional Force Structure Summary			
	FY 1997	FY 1999	QDR
Army			
Active Corps	4	4	4
Divisions (Active/National Guard)	10/8	10/8	10/8
Active Armored Cavalry Regiments	2	2	2
Enhanced Separate Brigades (National Guard)	15	15	15
Separate Brigades (National Guard)	3	3	3

The major warfighting elements of the operational Army are its corps, divisions, and separate brigades. These combat elements and their supporting elements are the deployable forces that execute the full spectrum of military operations; many are based overseas. Operational units of different types are grouped together (task organized) to make the most effective use of the different functional skills and equipment characteristics of these different units. Aside from the conventional organizations above, there are the Army's Special Operations units (such as the Special Operations Groups, the 160th Special Operations Aviation Regiment, the Ranger Regiment, and so forth).

There are different types of divisions— armored, mechanized, light infantry, airborne, air assault, and medium—and not all of these types are exclusive. For instance, airborne divisions are capable of all missions assigned to light infantry divisions. The essence of the division unit, regardless of type, is that it trains and fights as a team, and it has the necessary equipment to fight for a significant time. Although Army doctrine designates the corps as the largest tactical organization, the division is the largest organization that regularly trains as a team. A typical light infantry division has three infantry brigades (each comprising three battalions), an aviation brigade, a brigade-sized artillery element, a

brigade-sized logistical support element, and a number of separate battalions. In rough terms, it consists of about 18,000 soldiers equipped with rifles, machine guns, mortars, anti-tank missiles, bridging equipment, air defense missiles, artillery tubes, helicopters, and other weapons and equipment.

A typical mechanized infantry division has two mechanized and one armored brigade (sometimes referred to as “maneuver brigades”), an engineer brigade, an aviation brigade, a brigade-sized artillery element, a brigade-sized logistical element, and a number of separate battalions. The maneuver brigades will include, as a whole, five mechanized and five armored battalions, task organized by the division commander according to METT-TC. A typical armored division features the same capabilities as the mechanized infantry division except that it has two armored brigades and one mechanized brigade. These maneuver brigades in the armored division will include, as a whole, six armored and four mechanized battalions task organized into brigades according to METT-TC.

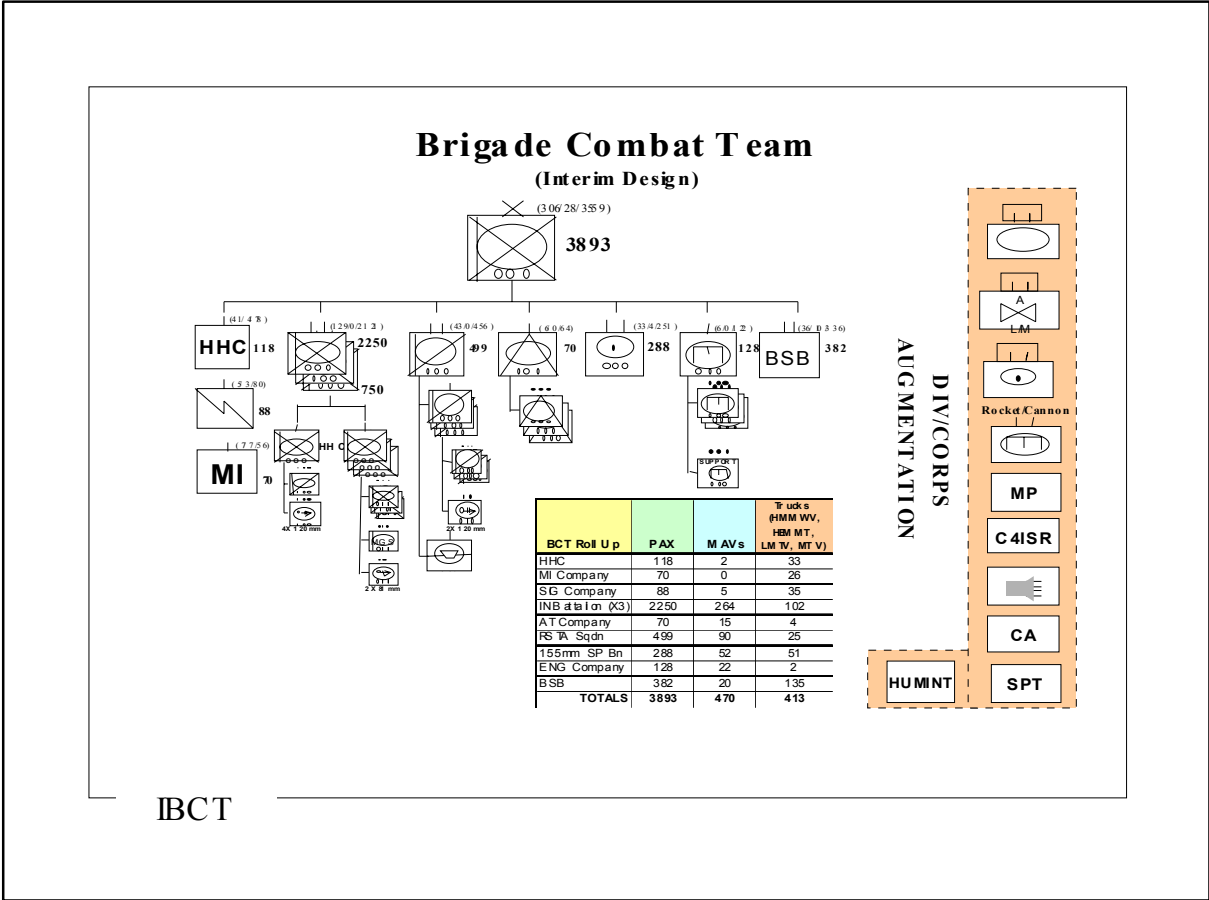


The Interim Brigade Combat Team (IBCT): The high frequency of joint contingency operations in the 1990s—a frequency expected to continue and perhaps rise during the 21st Century - has sharply increased the significance of strategic responsiveness. The faster that a joint contingency force can respond to a crisis, the faster it can be resolved. In fact, rapid response by integrated joint forces can have a greater or equally significant impact on crisis resolution as a larger operational capability built up over a longer period of time. Rapid response deters, reduces risk, constrains enemy options, expands the array of possible favorable outcomes, and facilitates rapid decision. At present, the Army is transforming to optimize its strategic responsiveness. Army light forces can deploy quite rapidly--within a matter of days--but they lack the lethality, mobility, and staying power necessary to assure decision. On the other hand, Army mechanized forces possess substantial lethality and staying power, but they require too much time to deploy, given current joint capabilities for strategic lift, affording the adversary too much time to prepare for the arrival of U.S. forces. The Army is developing the IBCT to combine the strengths of its light and heavy forces, and thereby provide a strategically responsive force for future contingencies.

The Interim Brigade Combat Team is a *full spectrum, combat force*, capable of deploying within 96 hours to wherever it may be needed. The Interim Brigade Combat Team deploys very rapidly, executes early entry, and conducts effective combat operations immediately on arrival to prevent, contain, stabilize, or resolve a conflict through shaping and decisive operations. The Brigade Combat Team participates in major theater war (MTW), with augmentation, as a

subordinate maneuver component within a division or corps, in a variety of possible roles. The Interim Brigade Combat Team also participates with appropriate augmentation in stability and security operations (SASO) as an initial entry force and/or as a guarantor to provide security for stability forces by means of its extensive combat capabilities.

The first two brigades to transform will be the 3rd Brigade of the 2nd Inf Div, and the 1st Brigade of the 25th Inf Div, both at Fort Lewis. The design and transformation processes are ongoing.



Army personnel are divided into Branches. The Combat Arms Branches are directly involved in the conduct of actual fighting and include Infantry, Armor, Field Artillery, Air Defense Artillery, Engineers, Aviation, and Special Forces. Combat Support Branches provide operational assistance to the combat arms, including engagement in combat when necessary, and have additional responsibilities in providing logistical administrative support to the Army. They include Signal, Chemical, Military Intelligence and Military Police. Combat Service Support Branches provide logistical and administrative support and include the Adjutant General's, Chaplains', Finance, Quartermaster, Medical, Ordnance, Transportation, and Judge Advocate General's Corps. The Army's operational organizations are comprised of officers and enlisted troops from among these various branches.

ROLE OF THE ARMY OPERATIONAL LAWYER

The mission of the Army's Judge Advocate General's Corps (JAGC) is to provide professional legal services at all echelons of command throughout the range of military operations. **Legal support to operations** encompasses all legal services provided by JAGC personnel in support of units, commanders and soldiers throughout an area of operation and across the spectrum of operations. Legal support to operations falls into three functional areas: command and control,

sustainment, and personnel service support (or support for short). The Operational Law Attorney must be capable of delivering legal support in the six traditional ***core legal disciplines*** of administrative and civil law, claims, contract and fiscal law, international law, legal assistance, and military justice. He or she must also be proficient in command and control functions to include interpreting, drafting, disseminating, and training commanders, staffs, and soldiers on rules of engagement; participating in targeting cells; participating in the military decision making process; participating in information operations; and, dealing with the Law of Armed Conflict (LOAC).

The division SJA section is the lowest- echelon, organic, full-service element of legal support to operations. It is modular—capable of being tailored to provide legal support for specific missions that may be undertaken during a war. It also features significant synergy—a product of bringing together diverse, technically skilled legal professionals and providing them the informational and legal research infrastructure necessary for tackling complex legal issues.

Operational law duties in the main CP (or, when appropriate, in the TAC CP/ assault CP) involve the counselor function and disciplines associated with the engagement battlefield operating systems and the command and control battlefield operating system. Legal support to operations associated with the combat service support/personnel service support battlefield operating system are performed by judge advocates in the rear CP. The remainder of the division SJA section deploys with the command posts of subordinate brigades, brigade-sized commands, or separate battalions. The SJA will determine which subordinate commands are directly supported by judge advocates. In making this determination, the SJA will consider the principles of modularity and synergy in light of the complexity and volume of legal issues likely to be faced by the subordinate unit, the ability of the unit to receive support from other operational law assets within the area of operations, and other aspects of METT-TC.

AIR FORCE

REFERENCES

1. Title 10, Chapter 803—Department of the Air Force, 10 U.S. Code Sections 8011 et seq.
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3. AFDD 2, ORGANIZATION AND EMPLOYMENT OF AEROSPACE POWER, 28 Sep 98, available on line at: <http://afpubs.hq.af.mil/pubsforms/pubs/af/dd/d0200000/d0200000.pdf>
4. GLOBAL ENGAGEMENT: A VISION FOR THE TWENTY-FIRST CENTURY AIR FORCE (AF/XPX August 1996)(hereinafter, GLOBAL ENGAGEMENT)
5. Lt Col Robert A. Coe & Lt Col Michael N. Schmitt, Fighter Ops for Shoe Clerks, 42 A.F. L. REV. 49, 49-99 (1997)
6. AFP 110-31, International Law—Conduct of Armed Conflict & Air Operations (19 Nov 76)
7. AFPD 51-4, Compliance with the Law of Armed Conflict (LOAC), 26 Apr 93
8. AFI 51-401, Training & Reporting to Insure Compliance with LOAC, 1 Jul 94
9. AFI 51-402, Weapons Review, 13 May 94

OVERVIEW

This chapter provides an overview of Air Force operational concepts, missions, and organization. This chapter closes with a review of the judge advocate's role in support of operations. This chapter familiarizes the reader with the typical missions of Air Force judge advocates' clients—the operational aviators and commanders of air and space forces.

AIR FORCE OPERATIONS LAW

Operations law in the U.S. Air Force embodies all facets of the military law practice in a contingency environment. The environment is often expeditionary and joint in nature. The Air Force Ops lawyer must understand aerospace doctrine, campaigning, and targeting procedures as well as military justice, international agreements, claims, rules of engagement, contracting, fiscal, environmental, foreign criminal jurisdiction, labor law, and legal assistance. Ops law is the highest expression of an Air Force judge advocate's practice of military law. The Air Force details Ops lawyers on the staffs of most unified commands, all AF major commands and numbered air forces. However, the International & Operations Law Division, Office of The Judge Advocate General (HQ AF/JAI, DSN 225-9631, 703-695-9631) establishes Air Force policy in the operations law field.

Tenets of Aerospace Power

Air and space power is intrinsically different from either land or sea power, and its use must be guided by different axioms than those of surface forces (AFDD 1, at 21-27).

1. **Centralized Control/Decentralized Execution.** Aerospace forces should be centrally controlled by an airman to achieve advantageous synergies, establish effective priorities, capitalize on unique strategic and operational flexibilities, ensure unity of purpose, and minimize the potential for conflicting objectives. Execution of aerospace missions should be decentralized to achieve effective spans of control, responsiveness, and tactical flexibility.
2. **Flexibility/Versatility.** The unique flexibility and versatility of aerospace power should be fully used and not compromised. The ability to concentrate force anywhere and attack any facet of the enemy's power is the outstanding strength of aerospace power.
3. **Priority.** Effective priorities for the use of aerospace forces flow from an informed dialogue between the joint or combined commander and the air component commander. The air commander should assess the possible uses as to their

importance to (1) the war, (2) the campaign, and (3) the battle. Air commanders should be alert for the potential diversion of aerospace forces to missions of marginal importance.

4. **Synergy.** Internally, the missions of aerospace power, when applied in comprehensive and mutually supportive air campaigns, produce effects well beyond the proportion of each mission's individual contribution to the campaign. Externally, aerospace operations can be applied in coordinated joint campaigns with surface forces, either to enhance or be enhanced by surface forces.

5. **Balance.** The air commander should balance combat opportunity, necessity, effectiveness, and efficiency against the associated risk to friendly aerospace resources. Technologically sophisticated aerospace assets are not available in vast numbers and cannot be produced quickly.

6. **Concentration.** Aerospace power is most effective when it is focused in purpose and not needlessly dispersed.

7. **Persistence.** Aerospace power should be applied persistently. Destroyed targets may be rebuilt by a resourceful enemy. Commanders should plan for restrikes against important targets.

Core Competencies

Core competencies are the basic areas of expertise that the Air Force brings to any activity across the range of military operations, whether as a single Service or in conjunction with the core competencies of other Services in joint operations. Core competencies are made possible by the effective integration of platforms, people, weapons, bases, logistics, and all supporting infrastructure. Core competencies are the heart of Air Force strategy. Additionally, what distinguishes the Air Force's core competencies from the core competencies of other Services are the speed and the global nature of its reach and perspective. In this context, the competencies represent air and space power capability. They are not doctrine per se, but are the enablers of AF doctrine. Core competencies begin to translate the central beliefs of doctrine into operational concepts (AFDD 1, at 27-35).

1. **Air and Space Superiority.** It is an important first step in military operations. It provides freedom to attack as well as freedom from attack. Success in air, land, sea, and space operations depends upon air and space superiority. Air and space power is so flexible and useful, there will be many demands that it be diverted to other tasks before any measure of air and space superiority is secured. That is a false economy that ultimately costs more in long term attrition and ineffective sorties. Superiority is that degree of dominance that permits friendly land, sea, and air forces to operate at a given time and place without prohibitive interference by the opposing force. Supremacy is that degree of superiority wherein opposing air and space forces are incapable of effective interference anywhere in a given theater of operations. To gain control of the air, friendly forces must counter enemy air, missile, and air defense artillery threats not only to assure full force protection for surface forces, but also to enable full flexibility to conduct parallel warfare across the theater of operations. Space superiority provides the freedom to conduct operations without significant interference from enemy forces. To ensure that our forces maintain the ability to operate without being seen, heard, or interfered with from space, it is essential to gain and maintain space superiority.

2. **Precision Engagement.** Air and space power provide the "scalpel" of joint service operations—the ability to forgo the brute force-on-force tactics of previous wars and apply discriminate force precisely where required. The Air Force is clearly not the only Service capable of precise employment of its forces, but the Air Force enjoys superior capability to apply the technology and techniques of precision engagement anywhere on the face of the earth in a matter of hours or minutes. It is the effect, rather than forces applied, that is the defining factor. In addition to the traditional application of force, precision engagement includes non-lethal as well as lethal force. The fact that air and space power can concentrate in purpose, whether or not massing in location or concentrating in time, challenges traditional understandings of precision and creates opportunity for a unique method to harnessing military power to meet national security policy objectives.

3. **Information Superiority.** Information superiority is the ability to collect, control, exploit, and defend information while denying an adversary the ability to do the same and, like air and space superiority, includes gaining control over the information realm and fully exploiting military information functions. The major operator of sophisticated air- and space-based intelligence, surveillance, and reconnaissance (ISR) systems, the Air Force can quickly respond to the information they provide. Whoever has the best ability to gather, understand, control, and use information has a substantial strategic

advantage. One of a commander's primary tasks is to gain and maintain information superiority with the objective of achieving faster and more effective command and control of assigned forces than the adversary.

4. Global Attack. All military Services provide strike capabilities, but the Air Force's ability to attack rapidly and persistently, with a wide range of munitions, anywhere on the globe at any time is unique. The decline of both total force structure and worldwide bases has decreased the size of our forward presence and forced the U.S. military to become primarily and expeditionary force. The Air Force may rapidly project power over global distances and maintain a virtually indefinite "presence" over an adversary. When combined with our inherent strategic perspective, Air Force operations can be both a theater's first and potentially most decisive force in demonstrating the nation's will to counter an adversary's aggression.

5. Rapid Global Mobility. In the post-Cold War era, global mobility has increased in importance to the point where it is required in virtually every military operation. U.S. forces overseas have been reduced significantly, while rapid power projection based in the continental United States (CONUS) has become the predominant military strategy. It is the particular competence of air and space forces to most rapidly provide what is needed, including weapons on target and an increasing variety of surface force components, where it is needed.

6. Agile Combat Support. The need to provide highly responsive force support is certainly not unique to the Air Force, but a force that is poised to respond to global taskings within hours must also be able to support that force with equal facility. This includes all elements of a forward base-support structure: maintenance, supply, transportation, communications, services, engineering, security, medical, and chaplaincy. Each of these areas must be integrated to form a seamless, agile, and responsive combat support system of systems. Equally important to a technologically dependent Service like the Air Force is agility—agility in acquisition and modernization processes, in organizations, in innovation to meet future challenges, and in ability to adapt to the changing world.

AIR AND SPACE POWER FUNCTIONS.

The Air Force engages in 17 functions or types of missions (AFDD 1, at 45-60). This is a recent change in doctrine. Typical Air Force missions include those detailed below:

Counterair. Counterair consists of operations to attain and maintain a desired degree of air superiority by the destruction or neutralization of enemy forces. Counterair's two elements, offense counterair and defensive counterair, enable friendly use of otherwise contested airspace and disable the enemy's offensive air and missile capabilities to reduce the threat posed against friendly forces. The entire offensive and defensive counterair effort should be controlled by one air officer under the "centralized control, decentralized execution" concept. Offensive Counterair (OCA) is often the most effective and efficient method for achieving the appropriate degree of air superiority. This function consists of operations to destroy, neutralize, disrupt, or limit enemy air and missile power as close to its source as possible and at a time and place of our choosing. This is freedom from attack that enables action by friendly forces—free to attack. Defensive Counterair (DCA). DCA concentrates on defeating the enemy's offensive plan and on inflicting unacceptable losses on attacking enemy forces.

Counterspace. Counterspace involves those operations conducted to attain and maintain a desired degree of space superiority by the destruction or neutralization of enemy forces. The main objectives of counterspace operations are to allow friendly forces to exploit space capabilities, while negate the enemy's ability to do the same. Offensive Counterspace (OCS). OCS operations destroy or neutralize an adversary's space systems or the information they provide at a time and place of our choosing through attacks on the space, terrestrial, or link elements of space systems. Defensive Counterspace (DCS). DCS operations consist of active and passive actions to protect our space related capabilities from enemy attack or interference.

Counterland. Counterland involves those operations conducted to attain and maintain a desired degree of superiority over surface operations by the destruction or neutralization of enemy surface forces. The main objectives of counterland operations are to dominate the surface environment and prevent the opponent from doing the same.

1. **Interdiction.** Interdiction is traditionally a form of air maneuver. Interdiction consists of operations to divert, disrupt, delay, or destroy the enemy's surface military potential before it can be used effectively against friendly forces.

Although non-traditional in the classic sense, information warfare may also be used to conduct interdiction by intercepting or disrupting information flow or damaging/destroying controlling software and hardware. Interdiction and surface maneuver can be mutually supporting. Joint force interdiction needs the direction of a single commander who can exploit and coordinate all the forces involved, whether air-, space-, surface-, or information-based. The joint force air component commander (JFACC) is the supported commander for air interdiction. The JFACC uses the JTF commander's priorities to plan and execute the theater-wide interdiction effort.

2. **Close Air Support (CAS).** CAS consists of air operations against hostile targets in close proximity to friendly forces; further, these operations require detailed integration of each air mission with the fire and maneuver of those forces. CAS provides direct support to help friendly surface forces carry out their assigned missions. CAS produces the most focused but briefest effects of any counterland mission; by itself, it rarely achieves campaign-level objectives. However, at times it may be the more critical mission by ensuring the success or survival of surface forces. CAS should be used at decisive points in a battle.

Strategic Attack. those operations intended to directly achieve strategic effects by striking at the enemy's centers of gravity (COG). These operations are designed to achieve their objectives without first having to necessarily engage the adversary's fielded military forces in extended operations at the operational and tactical levels of war. This function may be carried out in support of a theater CINC or as a stand-alone operation by direction of the NCA. Strategic attack should affect the enemy's entire effort rather than just a single action, battle or campaign. If properly applied, strategic attack is the most efficient means of employing air and space power. Strategic attack is a function of objectives or effects achieved, not forces employed. The target, not the weapons system, determines if an attack is strategic.

Counterinformation. seeks to establish information superiority through control of the information realm. The focus of the effort is on countering the enemy's ability to attain information advantage. Offensive Counterinformation (OCI): includes actions taken to control the information environment. The purpose of OCI is to disable selected enemy information operations. Defensive Counterinformation (DCI): includes those actions that protect our information, information systems, and information operations from the adversary.

Airlift. Airlift is viewed as the transportation of personnel and materiel through the air and can be applied across the entire range of military operations in support of national objectives. Airlift is viewed as a bedrock of U.S. national security at the strategic level and as a crucial capability for operational commanders within a theater. Air Force airlift can be classified as strategic (inter-theater), theater (intra-theater), and operational support. Inter-theater airlift provides the air bridge that links theaters to the CONUS and to other theaters, as well as airlift with the CONUS. Intra-theater airlift provides the air movement of personnel and materiel within a CINC's area of responsibility. Operational support airlift is airlift provided by assets that are an integral part of a specific Service, component or major command (MAJCOM), and that primarily support the requirements of the organization to which they are assigned.

Air Refueling. an integral part of U.S. air power across the range of military operations, air refueling significantly expands the employment options available to a commander by increasing the range, payload, and flexibility of air forces. Therefore, aerial refueling is an essential capability in the conduct of air operations worldwide and is especially important when overseas basing is limited or not available.

Spacelift. projects power by delivering satellites, payloads, and materiel into or through space. During a period of increased tension or conflict, the spacelift objective is to launch or deploy new and replenishment space assets as necessary to achieve national security objectives. There are three launch purposes. Launch to Deploy: launches required to initially achieve a satellite systems designed operational capability. Launch to Sustain: launches to replace satellites that are predicted to fail or abruptly fail. Launch to Augment: launches to increase operational capability in response to contingency requirements, crisis, or war.

Intelligence, Surveillance, and Reconnaissance (ISR). Intelligence provides clear, brief, relevant, and timely analysis on foreign capabilities and intentions for planning and conducting military operations. Surveillance is the function of systematically observing air, space, surface, or subsurface areas, places, persons, or things, by visual, aural, electronic, photographic, or other means. Reconnaissance complements surveillance in obtaining, by visual observation or other detection methods, specific information about the activities and resources of an enemy or potential enemy; or in securing data concerning the meteorological, hydrographic, or geographic characteristics of a particular area.

Combat Search and Rescue (CSAR). CSAR consists of those air operations conducted to recover distressed personnel during wartime or MOOTW. CSAR is a key element in sustaining the morale, cohesion, and fighting capability of friendly forces. It preserves critical combat resources and denies the enemy potential sources of intelligence.

Navigation and Positioning. The function of navigation and positioning is to provide accurate location and time of reference in support of strategic, operational and tactical operations. For example, space-based systems provide the Global Positioning System, airborne-based systems provide air-to-surface radar, and ground-based systems provide various navigation aids.

Weather Services. Air Force weather services supply timely and accurate environmental information, including both space environment and atmospheric weather, to commanders for their objectives and plans at the strategic, operational, and tactical levels. Weather services also influence the selection of targets, routes, weapons systems, and delivery tactics, and are a key element of information superiority.

Additional Air Force missions include Countersea, Command and Control (C2), and Special Operations Employment.

ORGANIZATIONAL STRUCTURE

AF Organization. The Air Force has three components: Active Duty, the Air National Guard, and the Air Force Reserve. The Air Force organizes, trains, and equips air forces through its major commands (MAJCOMs). Active duty and Reserve component MAJCOMs are subdivided into numbered air forces, wings, groups, and squadrons.

AF Major Commands (MAJCOM). MAJCOM forces are provided to combatant commands for employment. The organization of these MAJCOMs is based on combat, mobility, space, and special operations, plus the material support required for these operations. Normally commanded by a General (O-10).

Numbered Air Force (NAF). The NAF is the senior warfighting echelon of the Air Force. A NAF conducts operations with assigned and attached forces under a command element. When participating in joint operations, the tasked NAF presents its forces to the JFC as an Aerospace Expeditionary Task Force (AETF). Normally a Lieutenant General (O-9) commands a CONUS NAF, while a Major General (O-8) commands an OCONUS NAF.

Wing. A wing contains all of the organic assets required to accomplish its organizational function. For instance, a fighter wing has subordinate groups that provide combat, combat support, and combat service support functions in support of the wing's air combat mission. There are four main groups within a typical wing: the operations group, the logistics group, the support group, and the medical group. Normally a senior Colonel (O-6) commands a wing.

Group. There are several mutually related squadrons within a group. For example, within a support group, there are usually civil engineer (CE), mission support (MS—includes personnel, family support, and education flights), finance, services (formerly morale, welfare and recreation or MWR), and security forces squadrons. Similarly, a logistics group usually contains transportation, maintenance, and supply squadrons. A Colonel (O-6) normally commands a group.

Squadron. The basic fighting unit of the Air Force is the squadron. Squadrons are not designed to conduct independent operations. They interact with other squadrons to provide the necessary synergy to conduct effective air and space operations. Combining squadrons or squadron elements, such as fighters, refueling, and airlift, into deployable groups or wings is the purpose of an AETF. Normally commanded by a Lieutenant Colonel (O-5).

Organizing for Air Operations

Joint Task Force (JTF). A JTF is a force composed of assigned or attached elements of the Army, the Navy or the Marine Corps, and the Air Force, or two or more of these Services, which is constituted and so designated by the Secretary of defense or by the commander of a unified command, or an existing JTF (Joint Pub 1-02). A JTF often contains a ground component, an air component, and a naval component.

Joint Force Air Component Commander (JFACC). The JTF commander derives authority from the joint force commander who has the authority to exercise operational control, assign missions, direct coordination among subordinate

commanders, and redirect and organize forces to ensure unity of effort in the accomplishment of the overall mission. The joint force commander will normally designate a JFACC. The JFACC's responsibilities are assigned by the JTF commander and normally include, but are not limited to, planning, coordination, allocation and tasking based on the JTF commander's apportionment decision. Using the joint forces commander's guidance and authority, and in coordination with other Services component commanders and other assigned or supporting commanders, the JFACC will recommend to the joint force commander apportionment of air sorties to various missions or geographic areas.

Air Operations Center (AOC). The principal air operations installation from which aircraft and air warning functions of combat air operations are directed, controlled, and executed. It is the senior agency of the Air Force Component Commander from which command and control of air operations are coordinated with other components and Services.

Aerospace Expeditionary Force (AEF). AEFs are composite organizations of aerospace capabilities from which a tailored Aerospace Expeditionary Task Force, composed of Aerospace Expeditionary Wings, Aerospace Expeditionary Groups, and Aerospace Expeditionary Squadrons, is created to provide forces to meet theater Commander in Chief (CINC) requirements. An AEF is not a discrete warfighting unit.

Aerospace Expeditionary Task Force (AETF). An AETF is a tailored, task organized aerospace force presented to a joint force commander consisting of a deployed NAF headquarters, or command echelon subordinate to a NAF headquarters, and assigned and attached operating forces (command element plus operating forces). An AETF can be sized depending on the level and nature of the conflict and the size of the aerospace component required. The AETF is commanded by the designated Commander, Air Force Forces (COMAFFOR) and is activated by MAJCOM G-series orders.

Aerospace Expeditionary Wing (AEW). An AEW is a wing or a wing slice assigned or attached to an AETF or an in-place NAF by MAJCOM G-series orders. Normally, the AETF or in-place NAF commander also exercises OPCON of AEWs. An AEW is composed of the wing command element and some groups. The AEW commander reports to a COMAFFOR.

Aerospace Expeditionary Group (AEG). An AEG is an independent group assigned or attached to an AETF or in-place NAF by MAJCOM G-series orders. Normally, the AETF or in-place NAF commander also exercises OPCON of AEGs. An AEG is composed of the group command element and one or more squadrons. The AEG, depending on the size and structure of the AEF, is the lowest command echelon of AEFs that may report directly to a COMAFFOR.

Contingency Air Base. Contingency air bases are usually group sized elements that provide base operations support (BOS) personnel, equipment, and infrastructure capable for rapid spin-up to support airlift, refueling, ISR, or air combat missions in response to NCA or combatant commander directed crisis response taskings.

THE OPERATIONAL LAWYER

Operations Law provides the legal basis for the conduct of all these operations. Following are some examples of areas in which Air Force judge advocates provide advice to operational unit Commanders during war.

Even before bombs are dropped on targets, judge advocates of all services must review all weapons for compliance with international law. In the Air Force, AF/JAI has that job. Once our weapons are deemed lawful, the next question is whether the targets against which they will be employed are also proper under the laws of war. Answering that question, both in prior planning and in real time, and translating the answer into rules of engagement are perhaps the most important JAG combat functions. Although EPW (enemy prisoner of war) matters reside within the Army's executive control, the Air Force is the DoD executive agent for POW issues (issues involving U.S. personnel in enemy captivity). As such, AF/JAI provides legal advice on problems such as the code of conduct, enemy treatment of our prisoners, and others.

Operations law also applies to many peacetime matters. Operations lawyers advise on freedom of aerial navigation, landing issues, and answer questions regarding our rights and responsibilities in space. Law of armed conflict training for all our personnel is an essential duty for Air Force operations lawyers.

New forms of warfare such as information operations/information warfare are as challenging to the Air Force as to the other services, and pose significant and novel legal issues. The Air Force is now conducting counterdrug operations alone and as components to unified commands. AF/JAI is the principal advisor to the Air Force counterdrug operations division and, as such, coordinates on all deployments of troops in support of law enforcement agencies or foreign governments. Special operations in low intensity conflict require considerable Air Force support. Legal advice in this area comes primarily from the judge advocates at the Air Force Special Operations Command (AFSOC/JA) at Hurlburt Field, Florida.

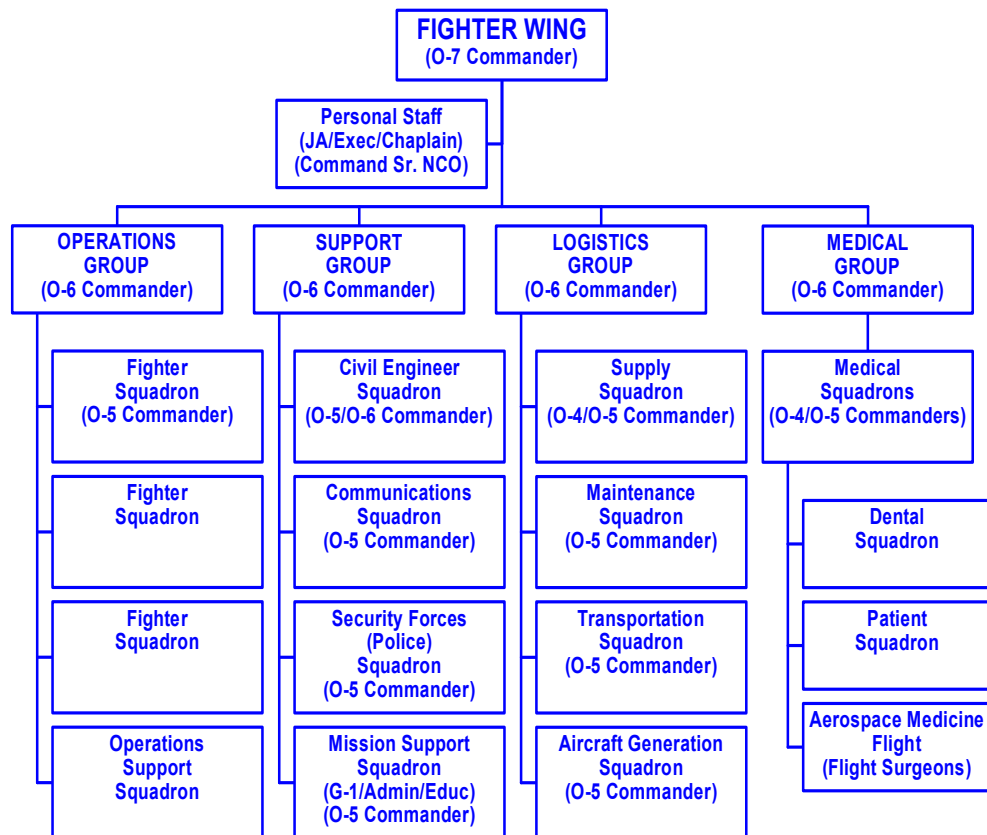
In addition to the operations law support given by Air Force judge advocates at AF/JAI and the unified commands, it is important to note the other echelons at which it is available. The Air Force is organized along major command (MAJCOM) lines. Under Headquarters, Air Force at the Pentagon, field MAJCOMs like Air Combat Command (ACC), Air Force Materiel Command (AFMC), Air Mobility Command (AMC), U.S. Air Forces in Europe (USAFE), and Pacific Air Forces (PACAF) provide operational support to the unified commands of which they are components. Below MAJCOMs are Numbered Air Forces (NAF) and, below NAFs, wings. The wing is the smallest self-contained unit capable of going into battle. Judge advocates sit on the command staffs at all three of these echelons and provide operations law advice. During DESERT STORM, JOINT ENDEAVOR, SOUTHERN WATCH, NORTHERN WATCH, ALLIED FORCE, and ENDURING FREEDOM, judge advocates deployed with their unit Commanders and provided that important advice.

Although the Air Force has a number of discrete, independent missions, its efforts are always in support of the unified combat effort of all land, sea, and air forces. From the Air Force perspective, the operations lawyer's primary responsibility is to insure that those efforts are conducted within the boundaries of international and domestic U.S. law.

TYPICAL AF WING (NOTIONAL)



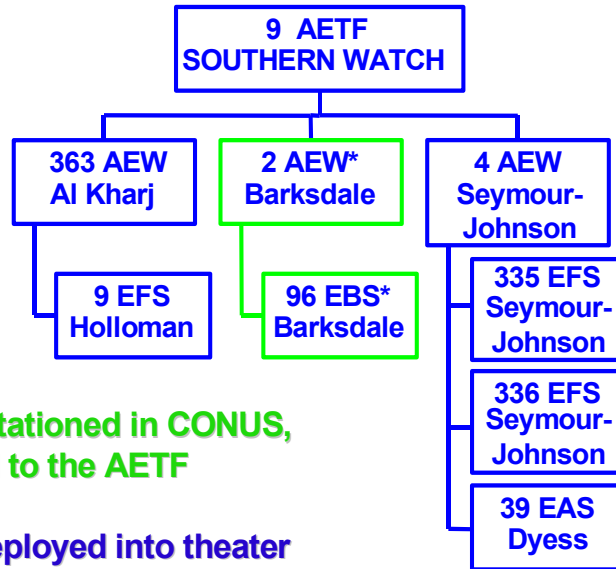
Typical Air Force Wing



AEROSPACE EXPEDITIONARY TASK FORCE (AETF) STRUCTURE



Actual Example of an AETF (Deployed NAF)



*** Bombers stationed in CONUS,
but attached to the AETF**

All others deployed into theater

Nomenclature:

CW(P) - Composite Wing
(Provisional)
AEW - Aerospace Expeditionary
Wing
EBS - Expeditionary Bomber
Squadron
EFS - Expeditionary Fighter
Squadron
EAS - Expeditionary Airlift
Squadron

AEF COMPONENT AIRCRAFT ASSETS



ON-CALL FORCE COMPOSITION



AEF (x2)

- 2 Air Superiority SQ
- 4-6 Multi-Role Fighter SQ
 - PGM
 - CAS
 - SEAD
- 2 Bomb SQ
 - CALCM
 - PGM
 - Maritime Ops
- 2 Theater Airlift SQ
- 2 Air Refueling SQ
- OSA, LD/HD & ECS

AEW

- 3 Air Superiority / Multi-Role Fighter SQ
 - PGM
 - CAS
 - SEAD
- 1 B-1 SQ (50% of the time)
- 1 F-117 SQ
- 1 B-2 SQ
- 1 Theater Airlift SQ
- 1 Air Refueling SQ
- Expeditionary Combat Support (ECS)

MARINE CORPS

MISSION

Under 10 U.S.C. § 5063, the Marine Corps' primary mission is to be "organized, trained and equipped to provide fleet marine forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign." In addition, the Marine Corps provides detachments and organizations for service on Navy vessels, security detachments for the protection of naval property at naval stations and bases, and such other duties as the President may direct. This broad mission statement translates into a Marine Corps that is many different things to many different people.

Consequently, the ground, air, and supporting forces that make up the Marine Corps are trained and equipped to make available to the National Command Authority (NCA) the capability to react quickly to any military contingency in the world—a "911" force. As a result, Marine operational forces are "task organized" and deployed to meet whatever contingency mission they may be assigned, ranging from a hasty Noncombatant Evacuation Operation (NEO), such as Operation Eastern Exit, the evacuation of U.S. and foreign nationals from Somalia in 1991, to sustained ground combat such as Operation Desert Storm. Because Marine forces deploy from and are sustained by sea-based platforms, they are often referred to as "expeditionary" forces (being able to operate in areas where there was previously no supporting infrastructure).

FORCE STRUCTURE

Structure. The Marine Corps is organized as the nation's "force in readiness" into four broad categories: Headquarters Marine Corps, Operating Forces, Reserves, and the Supporting Establishment. Operating forces (as supplemented by the Reserves), considered the heart of the Marine Corps, constitute the forward presence, crisis response, and fighting power available to the combatant commanders. Major elements include Marine Forces Atlantic, Marine Forces Pacific, Marine Corps Security Forces, and the Marine Security Guard Battalion with its detachments at embassies and consulates around the world. About 64 percent of all active duty Marines are assigned to these operating forces. Operating forces are made available from four (3 active, 1 reserve) Divisions, Wings, and Force Service Support Groups (FSSG). According to 10 U.S.C. § 5063, "the Marine Corps, within the Department of the Navy, shall be so organized as to include not less than three combat divisions and three air wings, and such other land combat, aviation, and other services as may be organic therein." The FY01 Marine Corps end strength includes 172,934 active duty and 39,810 reserve Marines.

The FSSG performs the combat service support function. This organization contains the maintenance, supply, engineer support, landing support, motor transport, medical, dental, and other units necessary to support sustained combat operations. The FSSG is also tasked with providing legal services to the operational units. This is accomplished through the Legal Services Support Section (LSSS) within the FSSG.

Traditionally, the LSSS is headed by an officer-in-charge usually of the rank of lieutenant colonel. The OIC is responsible for leading the Marines and managing the assets that will provide the legal services to the fleet. The LSSS consists of approximately twenty lawyers performing the functions of prosecution, defense, and administrative law. In garrison, the legal assistance function is performed by the host installation. When the FSSG is deployed, however, this function transfers to the LSSS. While the OIC is responsible for supporting the legal needs of the operational commands, he or she does not provide legal advice to the commanding general of the wing or division. That traditional duty remains with the SJA. Each major command (division, wing, FSSG) has a SJA and a small legal staff consisting of a DSJA and two or three clerks. The bulk of the legal assets remain in the LSSS.

Task Organization. The "Forces for Unified Commands" Memorandum assigns Marine operating forces to each of the combatant commands. Although there are five Marine Corps components, there are only two Marine Corps component commands. The Marine Corps has established two combatant command level service component commands: Marine Corps Forces Atlantic and Marine Corps Forces Pacific. The II Marine Expeditionary Force is provided by Commander, Marine Corps Forces Atlantic, to the Commander-in-Chief, U.S. Joint Forces Command, and the I and III Marine

Expeditionary Forces are provided by the Commander, Marine Corps Forces Pacific, to the Commander-in-Chief, U.S. Pacific Command. This assignment reflects the peacetime disposition of Marine Corps Forces (MARFORs). Marine expeditionary forces are apportioned to the remaining geographic combatant commands for contingency planning and are provided to the combatant commands when directed by the Secretary of Defense.

In order to meet mission oriented expeditionary requirements, the Marine Corps has developed the concept of Marine Air-Ground Task Force (MAGTF) organization. The MAGTF is the Marine Corps principle organization for the conduct of all missions across the range of military operations. The MAGTF provides a combatant commander-in-chief or other operational commanders with a versatile expeditionary force for responding to a broad range of crisis and conflict situations. MAGTFs are balanced, combined arms forces with organic command, ground, aviation and sustainment elements. It is a building block concept: the fleet/joint commander's operational requirement or task is analyzed, and type units are drawn from a Marine division, aircraft wing, and FSSG into an air-ground-logistics team under one commander to meet the task. The resulting MAGTF may be of any size, and the weight and composition of its component elements may vary, depending on the mission and enemy situation. In each case, there will be a MAGTF command element (CE), a ground combat element (GCE) (under certain conditions, more than one), an aviation combat element (ACE), and a combat service support element (CSSE).

Four types of MAGTFs can be tasked organized as follows: the Marine Expeditionary Force (MEF), the Marine Expeditionary Brigade (MEB), the Marine Expeditionary Unit (Special Operations Capable) (MEU(SOC)), and the Special Purpose Marine Air Ground Task Force (SPMAGTF).

A MEF is the principal Marine Corps warfighting organization, particularly for a larger crisis or contingency, and is normally commanded by a Lieutenant General. A MEF can range in size from less than one to multiple divisions and aircraft wings, together with one or more FSSGs. With 60 days of accompanying supplies, MEFs are capable of both amphibious operations and sustained operations ashore in any geographic environment. With appropriate augmentation, the MEF command element is capable of performing as a Joint Task Force (JTF) Headquarters.

A MEB is an intermediate size MAGTF that bridges the gap between the MEF and the MEU. A MEB can operate independently, or serve as the advance echelon of the MEF. It is normally composed of a reinforced infantry regiment, a composite Marine Air Group (MAG), and a Brigade Service Support Group (BSSG). With 30 days of supplies, a MEB is capable of conducting amphibious assault operations and maritime prepositioning force (MPF) operations. During potential crisis situations, a MEB may be forward deployed afloat for an extended period in order to provide an immediate combat response.

Forward deployed MEU(SOCs) embarked aboard Amphibious Ready Group (ARG) shipping operate continuously in the areas of responsibility of numerous Unified Commanders. These units provide the National Command Authorities and Unified Commanders an effective means of dealing with the uncertainties of future threats by providing forward deployed units which offer unique opportunities for a variety of quick reaction, sea-based, crisis response options in either a conventional amphibious/expeditionary role or in the execution of maritime special operations. MEU(SOCs) train for operations to be executed within 6 hours of receipt of the mission. The forward deployed MEU(SOC), forged and tested in real-world contingencies, remains the benchmark forward operating Marine force. The MEU is commanded by a colonel and deploys with 15 days of accompanying supplies. It is composed of a reinforced infantry battalion, a composite squadron, and a MEU service support group.

A SPMAGTF is task organized to accomplish a specific mission, operation, or regionally focused exercise. As such, SPMAGTFs can be organized, trained, and equipped to conduct a wide variety of expeditionary operations ranging from crisis response to training exercises and peacetime missions. Their duties cover the spectrum from non-combatant evacuation to disaster relief and humanitarian missions.

CAPABILITIES

As the U.S. reduces the number of its permanently based overseas military forces, forward-deployed, self-sustainable, naval forces provide the ability for continued presence and power projection. Naval forces enable the U.S. to secure access to ports, airfields and routes for the sequenced employment of heavier U.S. and allied forces. Moreover, expeditionary forces can deter crises, influence friends and foes, provide humanitarian assistance and fight if required.

For instance, Operation Sea Angel in Bangladesh involved the 5th Marine Expeditionary Brigade (MEB) which was diverted from its return to CONUS after 5 months in Desert Shield/Storm. During this disaster relief mission, 5th MEB delivered over 2,000 tons of food, fuel, medicine and equipment. This task force included Army Blackhawk helicopters, Green Beret assessment teams, Air Force C-130 transport aircraft, a Navy Amphibious Group and members of the U.S. Agency for International Development. During Operation Eastern Exit in January 1991, 13th MEU(SOC) helicopters launched from Navy ships at night, from over 400 NM from Mogadishu to conduct a NEO from civil war torn Somalia. The 281 evacuees included diplomats from Britain, Germany, Kenya, Kuwait, Nigeria, Oman, Sudan, Turkey, and the UAE, as well as 39 Soviet and 61 American citizens. The naval units involved, which had to be diverted from Desert Storm, received the order and departed on their mission only 3 days prior from a distance of 2,000 miles.

An overriding requirement for MAGTFs, and especially MEU(SOC) MAGTFs, is the ability to plan rapidly and effectively for the execution of real world contingency with the forces, lift, logistics, and enemy situation at hand. To this end, MAGTFs deploy by amphibious shipping and airlift and are sustained on the ground by the Maritime Prepositioned Force (MPF) or other prepositioned equipment. The MPF program, which began in 1981, consists of 16 self-sustaining, roll-on/roll-off ships operated by the Military Sealift Command (MSC) and organized into three MPS squadrons (MPSRons). Each MPSRon provides enough tanks, artillery, vehicles, ammunition, supplies, food, fuel, and water to support a MEB for 30 days of combat. The ships can be used separately or in larger groups to support smaller or larger MAGTFs. A single MPF ship is capable of supporting a MEU for 30 days.

After a decade of theory, the MPF program got its first real world test in Desert Shield/Desert Storm. On 14 August 1990, the leading elements of 7th MEB arrived in Saudi Arabia from 29 Palms, CA, via strategic airlift, and drew its equipment and supplies from the MPSRon-2, which had deployed from Diego Garcia to the Saudi port of Al Jubayl. Fully deployed, the 7th MEB was comprised of 15,248 Marines, 123 main battle tanks, and 124 fixed and rotary wing aircraft. On 26 August 1990, the leading elements of 1st MEB arrived at Al Jubayl and married up with its equipment off-loaded from MPSRon-3, which had deployed from Guam. The 1st MEB had an equivalent amount of combat power to 7th MEB.

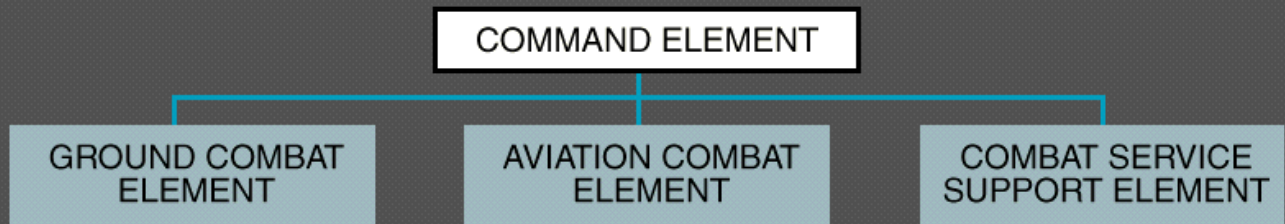
In addition to the 1st and 7th MEBs deployed ashore during Desert Shield/Storm, the Marine Corps also deployed two MEBs and a MEU(SOC) afloat. The 4th MEB deployed from Camp Lejeune, NC, and the 5th MEB deployed from Camp Pendleton, CA. Unlike the airlifted 1st and 7th MEBs, the 4th and 5th MEBs deployed with all weapons, equipment, and supplies embarked on its amphibious assault ships. The 13th MEU(SOC) was already in the Western Pacific on a routine six month deployment when Desert Shield began, and it quickly moved into the Persian Gulf. Together, the 4th and 5th MEBs, and the 13th MEU(SOC), comprised over 18,000 Marines capable of conducting amphibious forcible entry operations anywhere in the Persian Gulf area of operations.

ROLE OF THE MARINE OPERATIONAL LAWYER

The expeditionary nature of the Marine Corps mission sets the tone for the practice of operational law in the Marine Corps. Because expeditionary operations will necessarily involve ground, air and sea forces, Marine operational lawyers must be familiar with the law of land warfare as well as the law of the sea, air, and space. While the Marine Corps is rarely involved in overseas stationing, the Marine JA must nevertheless be familiar with applicable SOFAs, the foreign claims process, and contingency contracting in order to properly support short-term deployments to foreign countries. Furthermore, the Marine Corps' ability to shape events short of war requires that the operational JA have a solid grasp of the standing rules of engagement as well as appreciation for the combat considerations that may require the modification of ROE to the specific mission.

The specific role of the Marine operational lawyer is largely determined by the extent to which the JA gains the confidence of the commander and his staff. Consequently, a Marine operational lawyer must not only be technically proficient, but must continue to acquire and hone those military skills that readily identify Marine JAs with the elite units they support. A Marine operational lawyer must be familiar with, and involved in, the operations planning and plan review process as well as functionally proficient in the more traditional tasks of legal assistance, claims, military justice, and fiscal law. Every MAGTF will have at least one JA deployed with the unit, and in the case of a MEF, will have a number of JAs assigned. The MAGTF JA for a MEU-size or smaller unit will serve as the legal advisor to the commander of the deployed unit.

MAGTF STRUCTURE



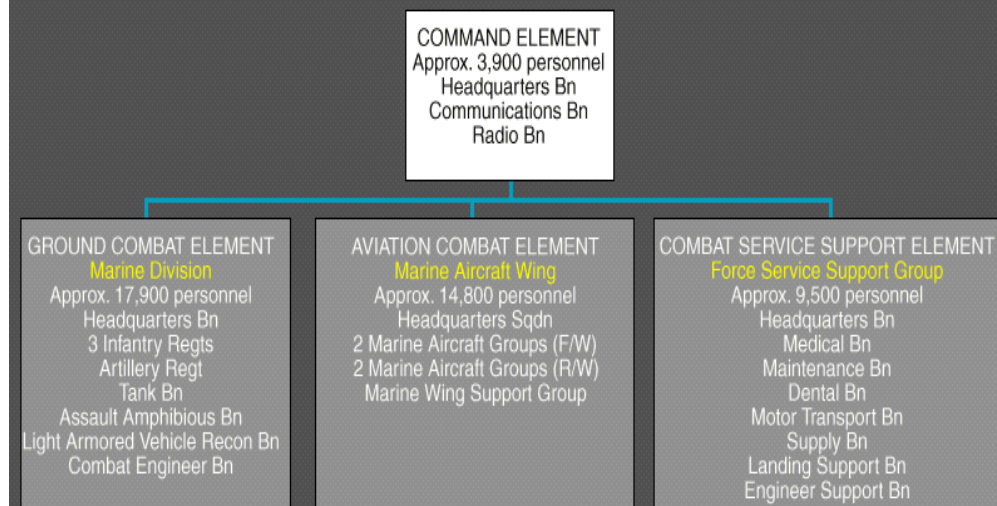
The CE provides a single headquarters for command, control, and coordination of ground, air, and combat service support elements.

The GCE may range in size from an infantry battalion to one or more **divisions**. It may include artillery, tanks, assault amphibious (AA) vehicles, light armored infantry (LAI), and combat engineer organizations.

The ACE may vary in size from a detachment of one or more aircraft to a reinforced helicopter squadron to one or more aircraft **wings**. It may include offensive air support, assault support, air reconnaissance, antiair warfare, electronic warfare, and command and control organizations.

The CSSE may range in size from a small Marine expeditionary unit (MEU) service support group (MSSG) to the largest **force service support group** (FSSG) which is tailored to provide for the total range of logistical support, to include supply, maintenance, general engineering, health services, landing support, transportation, and other service support functions.

MARINE EXPEDITIONARY FORCE



Principal Equipment

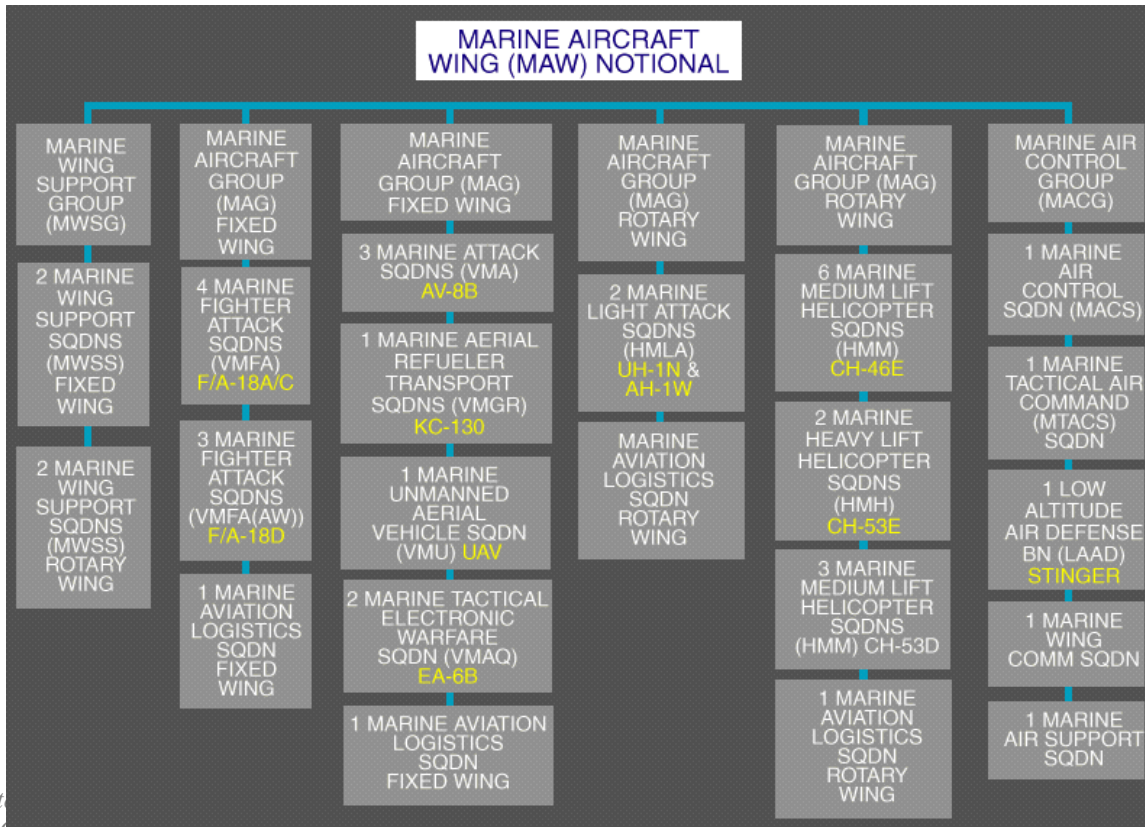
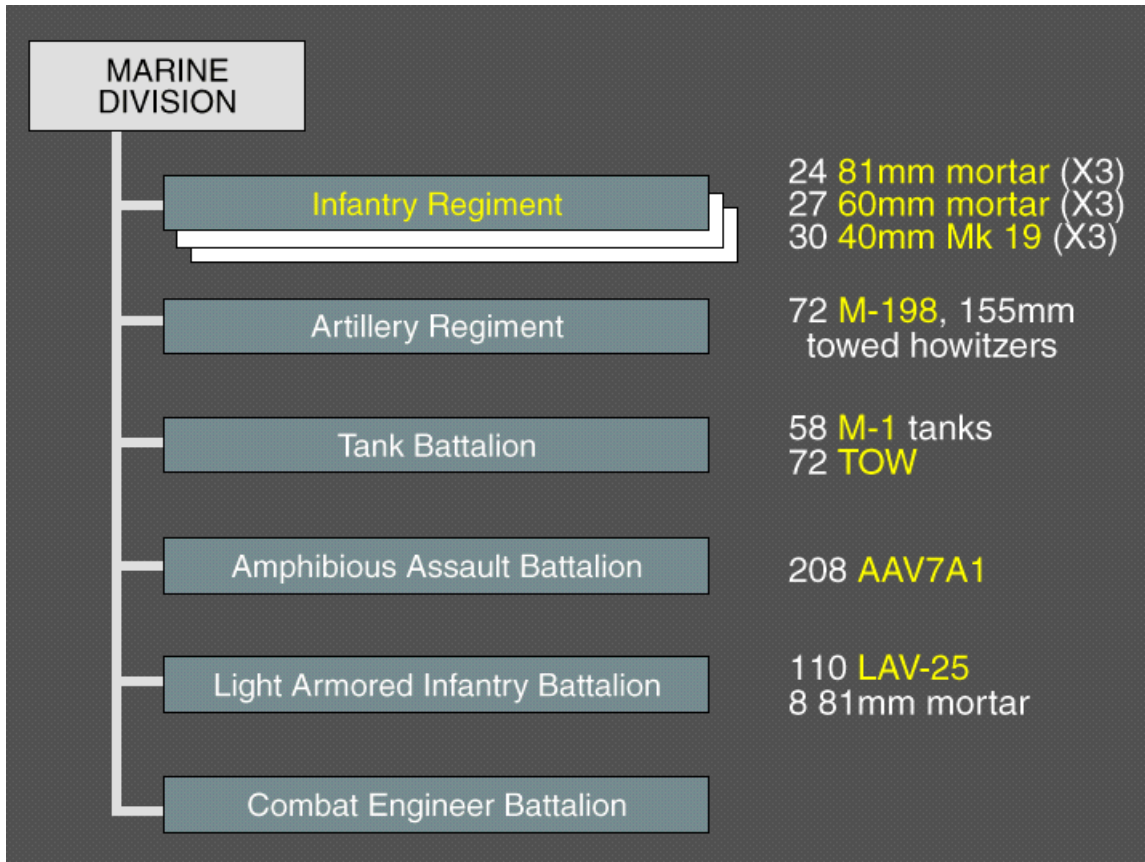
58	M1A1 Tank
233	AAV
130	LAV
72	155mm Howitzer
151	81/60mm Mortar
108	Dragon AT Missile
186	TOW AT Missile

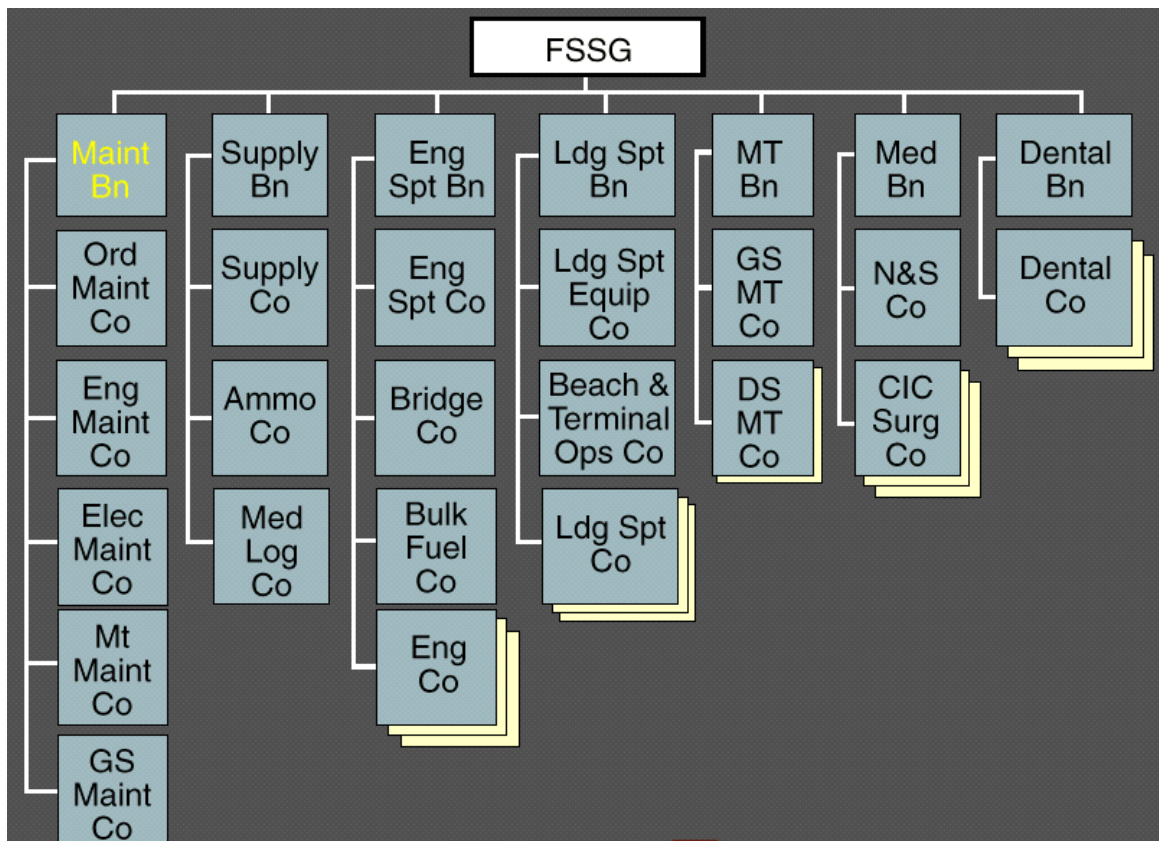
Aircraft

Fixed Wing	Rotary Wing
12	KC-130
48	F/A-18C
36	F/A-18D
60	AV-8B
10	EA-6B
Air Defense	
12	Hawk Missile Launchers
60	Avengers
30	Stingers

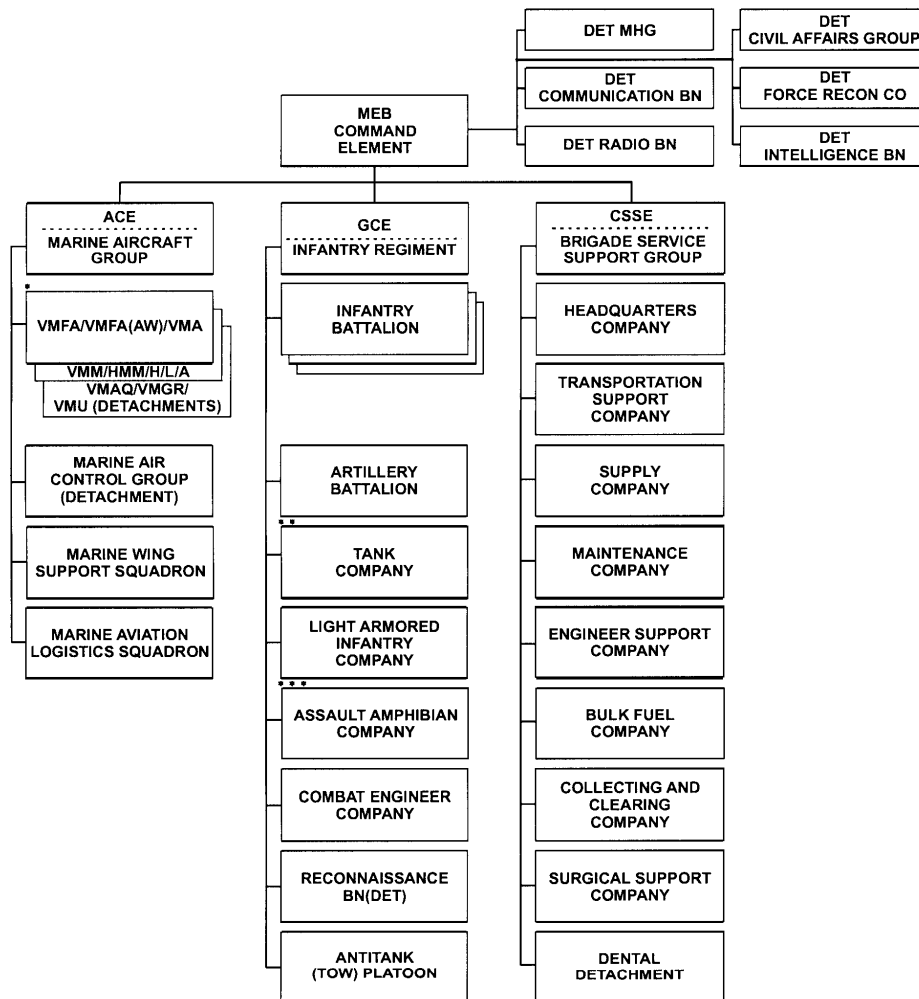
Principal Equipment

20	M970 Refueler
41	M998 Truck
158	M923 Truck
6	MGB
3	Ribbon Bridge
6	Scraper
28	D7G Bulldozer
41	ROWPU





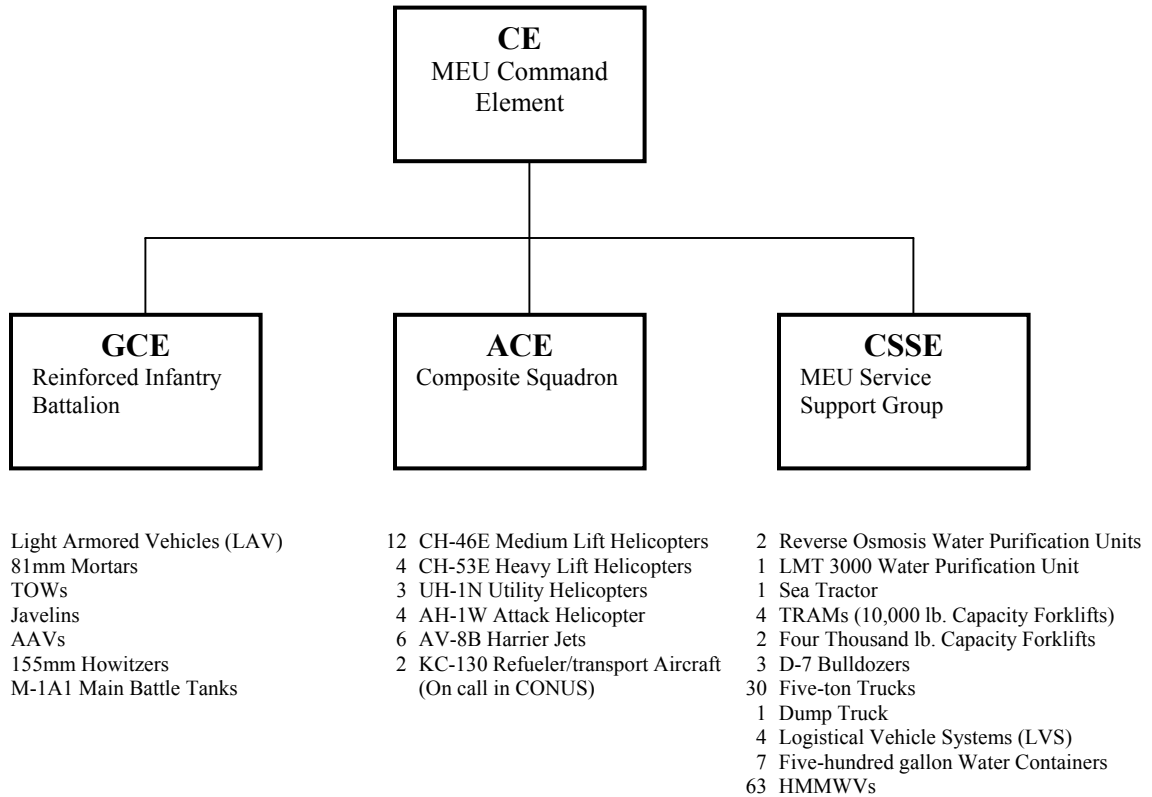
Marine Expeditionary Brigade



Legend

- * VMFA: Marine Fixed-Wing Fighter/Attack Squadron
- VMA: Marine Fixed-Wing Attack Squadron
- VMFA(AW): Marine Fixed-Wing Fighter Attack Squadron/(All-Weather)
- VMAQ/VMGR/VMU (DETACHMENTS): Marine Fixed-Wing Tactical Electronic Warfare/Aerial Refueling Transport
- VMM: Marine Medium Tilt-Rotor Squadron
- HMM/H/L/A: Marine Helicopter Medium/Heavy/Light/Attack Squadron
- ** In MPF MEB, Tank Battalion vice Tank Company
- *** In MPF MEB, Assault Amphibian Battalion(-) vice Assault Amphibian Company

Marine Expeditionary Unit



NAVY

The 1997 National Military Strategy is based upon an integrated, strategic approach embodied by the terms *Shape*, *Respond*, and *Prepare Now*.¹ It builds upon the premise that the U.S. will remain globally engaged to *Shape* the international environment, creating conditions favorable to U.S. interests and security; it emphasizes that our forces must be able to *Respond* to the full spectrum of crises, and that we must, as a nation, take steps to *Prepare Now* for an uncertain future. The U.S. Navy plays a key role in accomplishing these goals, providing the strategic tools for overseas presence and power projection.²

In September 1992 the Navy and Marine Corps published their strategy white paper entitled “.. From the Sea, Preparing the Naval Service for the 21st Century.” The document represents the Sea Services’ analysis of post Cold War strategy. Instead of focusing attention on open ocean warfighting against the Soviet Union, the new strategy emphasizes regional conflicts in the littoral (“near land”) regions of the world. “From the Sea” defines the littoral region as consisting of a seaward and landward segments.³ To accomplish the overall mission, naval forces will emphasize their traditional expeditionary roles, an eagerness to conduct joint operations, the need to operate forward, and the need to tailor forces for National Needs.⁴ The strategy recognizes that future operations will have a significant joint/combined flavor, on the model of Operation UPHOLD DEMOCRACY (Haiti).⁵

The fundamental building blocks of naval power are the Marine Air Ground Task Force (MAGTF), discussed above, and the aircraft carrier battle group (CVBG). The CVBG generally consists of the aircraft carrier (CV/CVN) and its embarked airwing of approximately 80 fixed and rotary-winged aircraft (F-14, F/A-18, S-3, EA-6B, E-2, SH-3); two cruisers, two or three destroyers; two frigates; one or two replenishment/repair ships; and two submarines. The Battle Group (BG) is normally commanded by a rear admiral (one or two stars), who has a lieutenant commander (O-4) as his staff judge advocate (SJA). The SJA is essentially a solo practitioner who is assigned to the admiral’s staff.⁶

This littoral environment provides operational judge advocates with significant and unique legal challenges. Two examples illustrate this point. First, drafting Rules of Engagement (ROE) requires significant attention, as a result of diminished response times and the likelihood of target discrimination problems in heavily populated coastal areas. Furthermore, operating in the littoral requires extensive familiarity with freedom of navigation and overflight issues treated in the United Nations Convention of the Law of the Sea (UNCLOS III).⁷

The fundamental reference for those operating in the littoral environment is the annotated version of NWP 1-14M (previously NWP 9(A)), The Commander’s Handbook on the Law of Naval Operations. The basic document contains no reference to sources of authority for statements of relevant law in order to simplify the reading for that publication’s intended audience—the operational commander and his non-lawyer staff. The annotated version of the NWP, however, is

¹ Chairman, Joint Chiefs of Staff, National Military Strategy of the United States of America (1997).

² *Id.*

³ Seaward is defined as “the area from the open ocean to the shore which must be controlled to support operations ashore;” Landward is defined as “the area inland from the shore that can be supported and defended directly from the sea.” SECRETARY OF THE NAVY, .. FROM THE SEA, PREPARING THE NAVY FOR THE 21ST CENTURY 6 (1992).

⁴ *Id.* at 7. See also, NAVAL DOCTRINE PUBLICATION 1, 28 March 1994.

⁵ Aircraft carriers America (CV 66) and Eisenhower (CVN 69) embarked approximately 2,000 soldiers from the 10th Mountain Division and 2,000 from the 82d Airborne Division, plus their associated helicopters. The JTF Staff Judge Advocate, COL Altenburg, XVIII Airborne Corps SJA, was embarked on USS Mount Whitney (LCC 20). *Clinton Offers Haitian Junta Chance to Go Without Fight*, N.Y. TIMES, Sept. 15, 1994, at A1.

⁶ The battle group commander, if not operating as head of, or a component of a Joint Task Force (JTF), will usually be operating under the direction of a numbered fleet commander (2d, 3d, 5th, 6th, or 7th), who will have a more senior staff judge advocate (O-5), but the battle group commander will rely almost exclusively on his own SJA. He or she will be relied upon for advice on a variety of issues ranging from rules of engagement to military justice and foreign claims. Note also that each carrier has two judge advocates as part of the “ship’s company.” Those judge advocates work for the commanding officer of the carrier (an O-6), and will be primarily concerned with discipline on board the carrier. However, the battle group SJA and the carrier SJA often cooperate on military justice and claims issues.

⁷ The United States considers the freedom of navigation provisions of UNCLOS III to reflect customary international Law of the Sea. In 1983 President Reagan stated that the U.S. would follow those provisions as part of U.S. Ocean Policy. 19 WEEKLY COMP. PRES. DOC. 877 (Mar. 10, 1983). Furthermore, on 6 October 1994, Following the U.S. signing of an agreement to amend the objectionable part of UNCLOS III dealing with deep seabed mining, President Clinton sent UNCLOS III to the Senate for its advice and consent.

particularly helpful to Judge Advocates. Prepared by the Oceans Law and Policy Department, Center for Naval Warfare Studies at the Naval War College (Newport, Rhode Island), the annotated NWP 1-14M provides the text of the Commander's Handbook verbatim—with accompanying citation to authorities, as well as supplementary annexes, figures and tables. The annotated NWP 1-14M is designed to support academic and research programs and is thus the rough equivalent of the Army's FM 27-10.

COAST GUARD

REFERENCES

10. Title 14, U.S. Code (14 U.S.C. §1, 2, 3, 4, 89, 141 and 143, in particular)
11. Coast Guard Publication 1
12. Commander's Handbook on the Law of Naval Operations, COMDTPUB 5800.7, (NWP 1-14M and Annotated Supplement)
13. Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1B (FOUO)
14. Maritime Counter Drug and Alien Migrant Interdiction Operations, COMDTINST M16247.4 (NWP 3-07.4)(FOUO)
15. Marine Safety Manual, COMDTINST M16000 (series)
16. Criminal Enforcement of Environmental Laws, COMDTINST M16201.1
17. Coast Guard 2020
18. U.S. Coast Guard FY 2002 Report
19. USCG Website - <http://www.uscg.mil>
20. OPS Law Fast Action Binder – <http://cgweb.comdt.uscg.mil/g-OPL/fastactionbinderlink.htm>
21. Coast Guard Roles and Missions Study – <http://www.uscg.mil/news/R&M.html>
22. Standing Rules of Engagement for U.S. Forces, CJCSI 3121.01A, dated 15 Jan 2000, CG Application – ALCOAST 214/00, COMDTNOTE 16242
23. Military Justice Manual, COMDTINST M5810.1D

OVERVIEW

This chapter provides an overview of the unique operational law issues faced by the Coast Guard, with a focus upon the Coast Guard's interaction with the DOD services. As an armed service, the Coast Guard shares many similar roles with the DOD services with regard to OPLAW and national security. However, as part of the Department of Transportation, and the primary maritime law enforcement agency, the Coast Guard's missions are unique, and some operational law issues are significantly different. Coast Guard OPLAW issues are often related to law enforcement jurisdiction and are often resolved through the interagency process. (See Presidential Directive 27, *Procedures Dealing with Non-Military Incidents*, 17 Jan 78). For an excellent brief overview of Coast Guard history and missions, see reference 2.

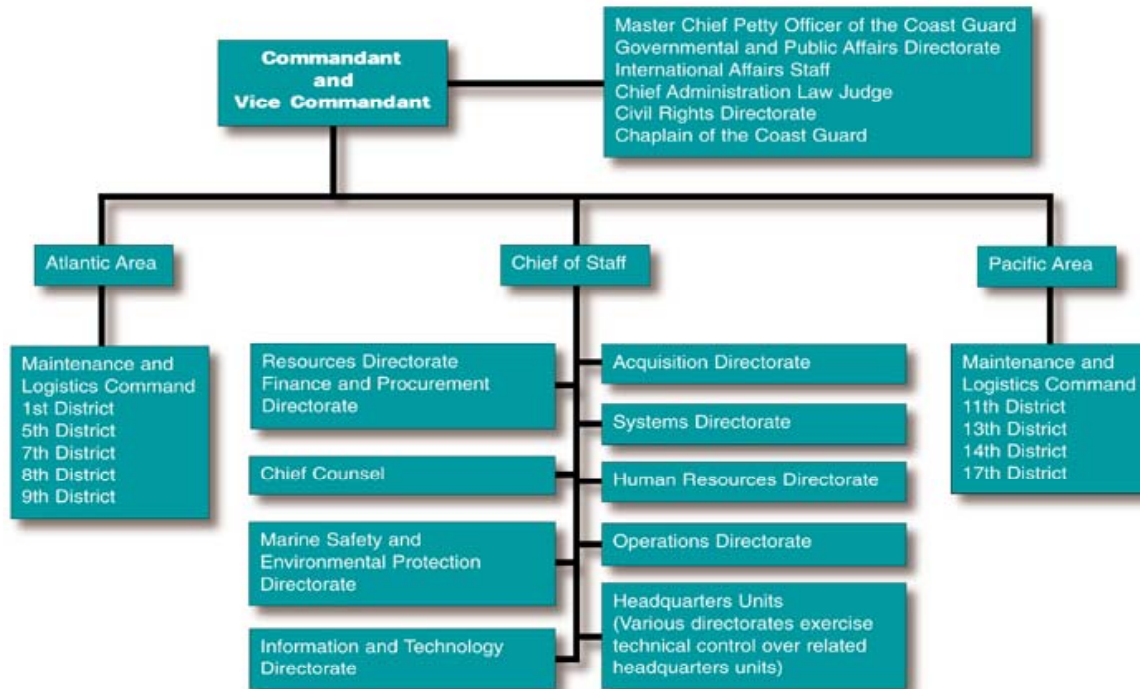
MISSION

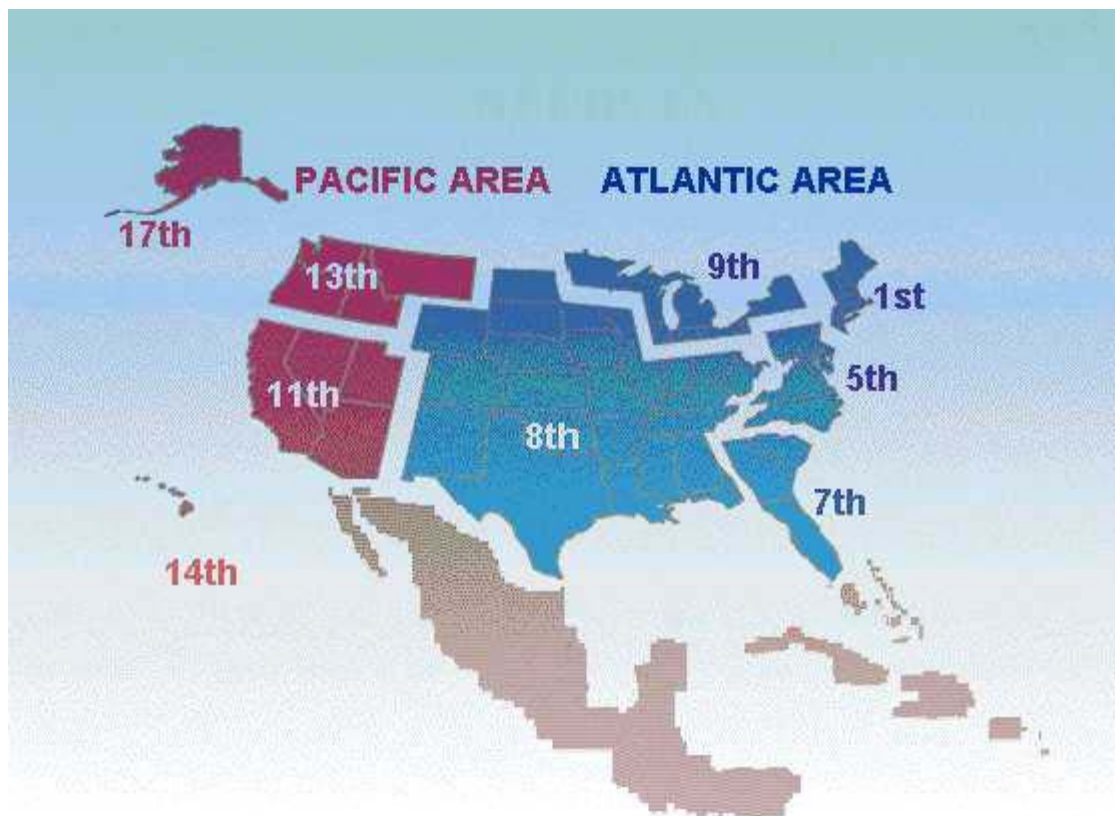
“The United States Coast Guard is a multi-missioned maritime service and one of the Nation's five armed forces. Its mission is to protect the public, the environment, and U.S. economic interests – in the Nation's ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security.” (reference 9).

ORGANIZATION

The Coast Guard operates under the Department of Transportation, except in time of war or when directed by the President to report to the Secretary of the Navy. Coast Guard Headquarters is responsible for policy development and overall Coast Guard operations and logistics. There are two area commands, Atlantic Area and Pacific Area, with intermediate command authority. The area commanders are also district commanders. The Areas each have a Maintenance and Logistics Command for support functions and several districts for operational command of units. The districts have operational control over most Coast Guard operational units, including cutters, groups, air stations and marine safety offices/captain of the port offices. Smaller units, however, such as patrol boats and stations, are normally under the operational control of groups. There are command centers at Headquarters, the Areas and the Districts to control operations within their areas of responsibility.

Organizational Chart





Commander, Atlantic Area and Fifth District – Portsmouth, VA
 Commander, Maintenance and Logistics Command Atlantic – Norfolk, VA
 Commander, First District – Boston MA
 Commander, Seventh District – Miami, FL
 Commander, Eighth District – New Orleans, LA
 Commander, Ninth District – Cleveland, OH

Commander, Pacific Area and Eleventh District – Alameda, CA
 Commander, Maintenance and Logistics Command Pacific – Alameda, CA
 Commander, Thirteenth District – Seattle, WA
 Commander, Fourteenth District – Honolulu, HI
 Commander, Seventeenth District – Juneau, AK

MISSION OVERVIEW

The Coast Guard occupies a unique position as an armed service that serves as the nation's primary maritime law enforcement agency, but is probably best known for its humanitarian service to the public. The Coast Guard's history reveals a gradual accumulation of additional responsibilities resulting primarily from its status as the nation's primary maritime law enforcement agency. The Coast Guard enforces all federal laws and regulations pertaining to maritime matters.

While the more familiar non-defense missions dominate the public perception of the Coast Guard, it remains a military service. Indeed, it is an important and unique asset in America's multifaceted security strategies at home and abroad. Its fundamental roles are to protect the public, the environment, and U.S. economic and security interests in America's inland waterways, ports and harbors; along some 95,000 miles of U.S. coastline; in the U.S. territorial seas and our nearly 3.4 million square miles of exclusive economic zones; on international waters and in other maritime

regions of importance to the United States. The nation's maritime borders reflect maritime jurisdiction and sovereignty concerns which continue to expand, as evidenced by the recent declaration that extended the U.S. contiguous zone from 12 to 24 nautical miles (reference 12).

MARITIME HOMELAND SECURITY (MHLS)

Priorities changed in the wake of the September 11th terrorist attacks, and the Coast Guard, like the rest of the nation, is still defining its new normalcy. Following the attacks, mission focus quickly shifted to the largest port security operation since World War II. The goal is to protect the Maritime Transportation System (MTS) which includes waterways, ports, inter-modal connections, vessels and vehicles (reference 9). The Coast Guard immediately deployed resources and established security zones around vessels and significant infrastructure, such as power plants, bridges, dams, locks, etc. Coast Guard authority for these actions is summarized well in an internal letter SSIC 5800 from Commander Atlantic Area, dated 25 September 2001, subject: Jurisdictional Limits of Selected Coast Guard Authorities.

The principle authorities include: Captain of the Port (COTP) orders pursuant to 33 U.S.C. §1221 et seq; Safety Zones pursuant to Ports and Waterways Safety Act (PWSA), 33 U.S.C. §1225; Safety and Security Zones pursuant to the PWSA, 33 U.S.C. §1226; Security Zones pursuant to the Magnuson Act, 50 U.S.C. §191; and Naval Vessel Protection Zones and Protection Orders pursuant to 14 U.S.C. §91. These authorities are exercised primarily by the COTP or the Coast Guard District Commander.

The Coast Guard is also actively engaged in increasing its Maritime Domain Awareness (MDA). There has been a significant increase in the monitoring of vessel traffic and increasing reporting requirements. For example, the National Vessel Movement Center (NVMC) was established shortly after the September 11th attacks and a 96 hour notice of arrival rule was put in place. In addition, there has been a significant increase in the sharing of intelligence and law enforcement information. Intelligence fusion remains one of the most significant challenges in MHLS.

LAW ENFORCEMENT

The specific statutory authority for the Coast Guard Law Enforcement mission is 14 U.S.C. §2: "The Coast Guard shall enforce or assist in the enforcement of all applicable laws on, under and over the high seas and waters subject to the jurisdiction of the United States." In addition, 14 U.S.C. §89 provides the authority for U.S. Coast Guard active duty commissioned, warrant and petty officers to enforce applicable U.S. law on waters subject to U.S. jurisdiction, as well as on all vessels subject to U.S. jurisdiction (including U.S., foreign and stateless vessels). 14 U.S.C. §141 authorizes the Coast Guard to assist other agencies and to receive assistance from other agencies.

The Coast Guard, unlike the DOD services, is not constrained by the Posse Comitatus Act (see 18 U.S.C. §1385), which makes it a crime to willfully use the Army or Air Force as a posse comitatus or otherwise to execute the laws. The Act was made applicable to the Navy and Marine Corps by policy (SECNAVINST 5820.7 of 15 May 1974). Notwithstanding these provisions, the DOD services are authorized to assist, and do significantly assist, Coast Guard law enforcement with intelligence information and equipment, as authorized by 10 U.S.C. §371, et seq. Coast Guard Law Enforcement Detachments (LEDETS) are routinely deployed on U.S. Navy ships and have been very successful in interdicting illegal narcotics.

DRUG INTERDICTION:

The Coast Guard is the lead federal agency for maritime drug interdiction. As such, it is a key player in combating the flow of illegal drugs to the United States. The Coast Guard's mission is to reduce the supply of drugs by denying smugglers the use of air and maritime routes in the Transit Zone, a six million square mile area, including the Caribbean, Gulf of Mexico and Eastern Pacific. In meeting the challenge of patrolling this vast area, the Coast Guard coordinates closely with other federal agencies and countries within the region to disrupt and deter the flow of illegal drugs. The U.S. has negotiated a number of bilateral agreements with Caribbean and South American Nations to assist in law enforcement.

MIGRANT INTERDICTION

The Federal Government has implemented policies to streamline the interdiction of illegal migrants at sea. In 1992, President Clinton signed Executive Order 12807, which eliminated the requirement that migrants be screened at sea for refugee status. Presidential Directive 9, signed in 1993, provides policy guidance to federal agencies stating that the U.S. Government "will take the necessary measures to preempt, interdict and deter alien smuggling into the U.S." It now specifically tasks the Coast Guard with interdicting illegal migrants as far as possible from U.S. shores. The nature of the migrant interdiction mission has been changing to respond to increasingly sophisticated smuggling operations.

FISHERIES

Protecting the U.S. Exclusive Economic Zone and key areas of the high seas is an important mission for the Coast Guard. The Coast Guard enforces fisheries laws at sea, primarily the Magnuson-Stevens Fisheries Conservation and Management Act (MFCMA). Coast Guard fisheries priorities, in order of importance, are:

1. *Protecting the U.S. Exclusive Economic Zone from foreign encroachment:* The MFCMA of 1976 extended U.S. fisheries management authority out to the full 200 nautical miles authorized by international law. The U.S. EEZ is the largest in the world, containing 3.3 million square miles of ocean and 90,000 miles of coastline.
2. *Enforcing domestic fisheries law:* U.S. domestic fisheries support a 24 billion dollar industry. Fisheries Management Plans (FMPs), to ensure the sustainability of these fisheries, are developed by regional Fisheries Management Councils. The Coast Guard is responsible for enforcing these FMPs at sea, in conjunction with National Marine Fisheries Service. In addition to FMP enforcement, the Coast Guard enforces laws to protect marine mammals and endangered species.
3. *International fisheries agreements:* The Coast Guard works closely with the Department of State to develop and enforce international fisheries agreements. Most notably, the Coast Guard enforces the United Nations High Seas Driftnet Moratorium in the North Pacific, where illegal driftnetters may catch salmon of U.S. origin.

ENVIRONMENTAL CRIMES

The Coast Guard role in protecting the marine environment manifests itself most clearly on the issue of oil pollution. Arguably, the grounding of the Exxon Valdez on March 23, 1989 was the catalyst for the public's demand for greater protection of our marine environment. In response to this largest oil spill in U.S. history, Congress passed the Oil Pollution Act of 1990 ("OPA 90"). OPA 90 tasked the Coast Guard with writing new federal regulations aimed at substantially reducing the likelihood of oil spills. These regulations placed new demands on the Coast Guard and solidified the role of the Coast Guard as the federal agency with primary responsibility for preventing and responding to maritime oil spills. Increasingly, the Coast Guard is involved in the prosecution of environmental crimes. Critical acts for environmental enforcement include OPA 90, Clean Water Act (CWA), Act to Prevent Pollution From Ships (APPS), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Ocean Dumping Act, and Refuse Act. Criminal prosecutions have also been based upon False Representations of an Official Matter (18 U.S.C. §1001), (see reference 7).

NATIONAL SECURITY

The Coast Guard is one of the armed forces of the United States. It has fought in all of our nation's wars. It continues to operate with the Navy in all theaters. Coast Guard vessels participate in Freedom of Navigation (FON) exercises and other military exercises. Coast Guard Area Commanders are Commanders of Maritime Defense Zones. The Coast Guard can also issue regulations to create safety zones and security zones to facilitate force protection.

USE OF FORCE POLICY/RULES OF ENGAGEMENT

The Coast Guard follows the Standing Rules of Engagement (SROE) for all Coast Guard Operations with regard to unit self defense, notwithstanding the DOD limitation of extraterritorial application (reference 13). However, most use of force issues arise in the mission accomplishment context of law enforcement and are governed by the Coast Guard Use of

Force Policy contained in Chapter 4 of the Maritime Law Enforcement Manual (reference 4). Navy units operating under Coast Guard OPCON or TACON will follow the Coast Guard Use of Force Policy for employing warning shots or disabling fire, and the SROE for all other purposes. This law enforcement focus on the force necessary for compliance, as well as defense of self and others, distinguishes Coast Guard use of force from more traditional military use of force issues. However, peacekeeping and domestic operations for the DOD services address many of the same use of force issues.

MARINE SAFETY

The Coast Guard Marine Safety Program is multifaceted. It includes Marine Inspections, Marine Investigations, Licensing, Captain of the Port, Environmental Response, and Special Interest Vessel Programs, as well as promulgating local regulations. The Port State Control Program responds to the potential threats of 7,500 foreign ships calling at U.S. ports each year, ensuring that the ships meet international standards implemented under international conventions such as the International Convention for the Safety of Life (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL), as well as U.S. standards. The Coast Guard Captain of the Port (COTP) is responsible for vessel boardings, ensuring the safety of vessels and protecting the navigable waterways throughout his or her geographic zone. There are 45 COTPs zones outlined in Title 33, Code of Federal Regulations (33 CFR, Part 3). The major interface with the DOD services is in the Captain of the Port Area, both in regulating vessel movement and in establishing safety zones and security zones. A large portion of the COTP authority is contained in 33 CFR, Part 6. Marine Safety Offices/COTPs will also be the primary units responding to environmental issues such as oil spills.

SEARCH AND RESCUE

Search and Rescue (SAR) is a cornerstone mission of the Coast Guard. The Coast Guard saves thousands of lives and millions of dollars of property each year. However, SAR is also a mission governed by risk management and with significant danger for the Coast Guard units responding. It is controlled by the National SAR Plan which divides the U.S. area of SAR responsibility. The Coast Guard is the Maritime SAR Coordinator. Also, while the Coast Guard has limited duty to respond in search and rescue cases, it may incur substantial liability if it responds and does not respond adequately. False SAR cases are also vigorously prosecuted, due to the commitment of Coast Guard resources, under 14 U.S.C. §88(c).

MILITARY JUSTICE

The Coast Guard is an armed force subject to the UCMJ. The Coast Guard utilizes the Manual for Courts-Martial in the same manner as the DOD services. Virtually the same nonjudicial punishment provisions apply under Article 15, UCMJ. Coast Guard specific procedures and forms are located in the Coast Guard Military Justice Manual (reference 14).

CG/DOD LEGAL INTERFACE

Legal advice on issues of Coast Guard Operational Law is readily available. Most issues will fall under the responsibility of the Chief, Office of Maritime and International Law at Coast Guard Headquarters (G-LMI), phone (202) 267-1527. Also, each operational commander has a staff judge advocate. Finally, Coast Guard law specialists are assigned to joint commands with significant law enforcement mission focus, for example JIATF East.

NORTH ATLANTIC TREATY ORGANIZATION (NATO)

The North Atlantic Treaty Organization (NATO) has existed for just over 50 years, yet its organizational structure remains obscure to many judge advocates. This chapter discusses the NATO structure and decision making process.

Twelve countries founded the NATO on 4 April 1949 by signing the North Atlantic Treaty in Washington, D.C. The location of the signing of this treaty explains why it is often referred to as the “Washington Treaty.” Today, NATO Headquarters is located in Brussels, Belgium.

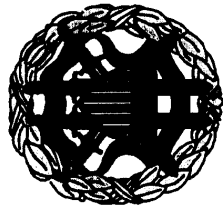
Article 9 of the North Atlantic Treaty develops the basic structure of NATO. First, a “Council” is established “to consider matters concerning the implementation of this Treaty.” This Council is known as the North Atlantic Council (NAC). All NATO members have a Permanent Representative (PermRep) of ambassadorial rank in the NAC. PermReps must be available “to meet promptly at any time.” The NAC meets regularly, usually on Wednesdays, to fulfill its treaty based obligation.

Article 9 also created “such subsidiary bodies as may be necessary,” specifically requiring establishment of a defence committee. We know this committee as the “NATO Military Committee.” This committee is composed of the Military Representatives (MilReps), usually three star officers, from the members participating in NATO’s integrated military structure including, by special arrangement, France. The Military Committee (MC) is the senior military authority in NATO and is the primary source of military advice to the Secretary General and the NAC/ Defence Planning Committee. The Military Committee meets regularly, usually on Thursdays. The Defence Planning Committee (DPC), consisting of all NATO members except France, is the highest authority in defense policy matters involving the integrated force structure. Simply put, the DPC is a meeting of the PermReps except France.

Article 9 also specifically tasks the defence committee to “recommend measures for the implementation of Articles 3 and 5.” Article 3 requires “the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, [to] maintain and develop their individual and collective capacity to resist armed attack.” Thus NATO seeks to be interoperable across 17 militaries, some with several branches. The reader should note that France does not participate in the integrated military structure of NATO and Iceland has no military. The individual nations have joint and individual responsibilities to be able to defend themselves and others.

There are five other “subsidiary bodies” that warrant consideration, the International Staff, the International Military Staff, the Political Committee, and the two Strategic Commands. The International Staff (IS) provides direct support to the NAC/DPC and the civilian committees under them. The IS plays a facilitating role to attain consensus among the Allies by chairing meetings, preparing policy recommendations and drafting communiqués and reports. The International Military Staff (IMS) is the supporting staff for the Military Committee. It is composed of military officers from each NATO country. The Political Committee is a forum for regular political consultations that is chaired by the Assistant Secretary General for Political Affairs. Its members are the political counsellors of each NATO delegation. Besides keeping abreast of political trends and developments of interest to the members, the Committee prepares studies of political problems for discussion by the NAC and submits reports on subjects to be debated. The Political Committee is tasked to follow up on and implement NAC decisions.

The Strategic Commands (SCs) of NATO are SACEUR and SACLANC. The SACEUR is located at Supreme Headquarters Allied Powers Europe (SHAPE) in Mons, Belgium, located about 45 miles south of NATO Headquarters. SACLANC is located in Norfolk, Virginia. The SCs are responsible to the Military Committee for the overall direction and conduct of all NATO military matters within their command areas. The SCs provide direct advice about their command to the Military Committee and are authorized to provide direct advice to the NAC/DPC on matters pertaining to their commands, keeping the Military Committee simultaneously informed. When preparing for and conducting operations, the SCs receive political guidance directly from the NAC/DPC. SACEUR and SACLANC are continuously represented at NATO Headquarters by a representative from their respective staffs to facilitate the timely two-way flow of information.



NATO'S Civil and Military Structure

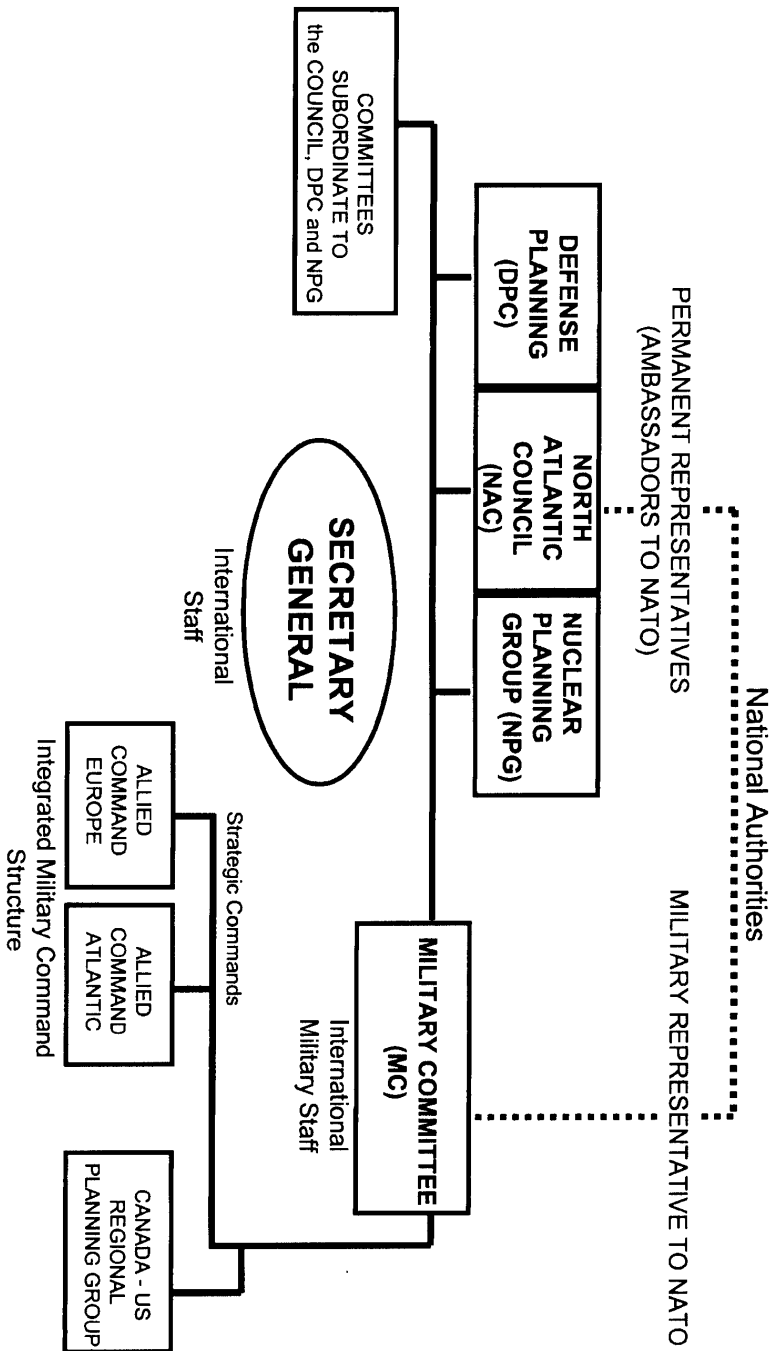
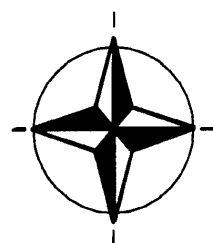


Figure 1: NATO Structure

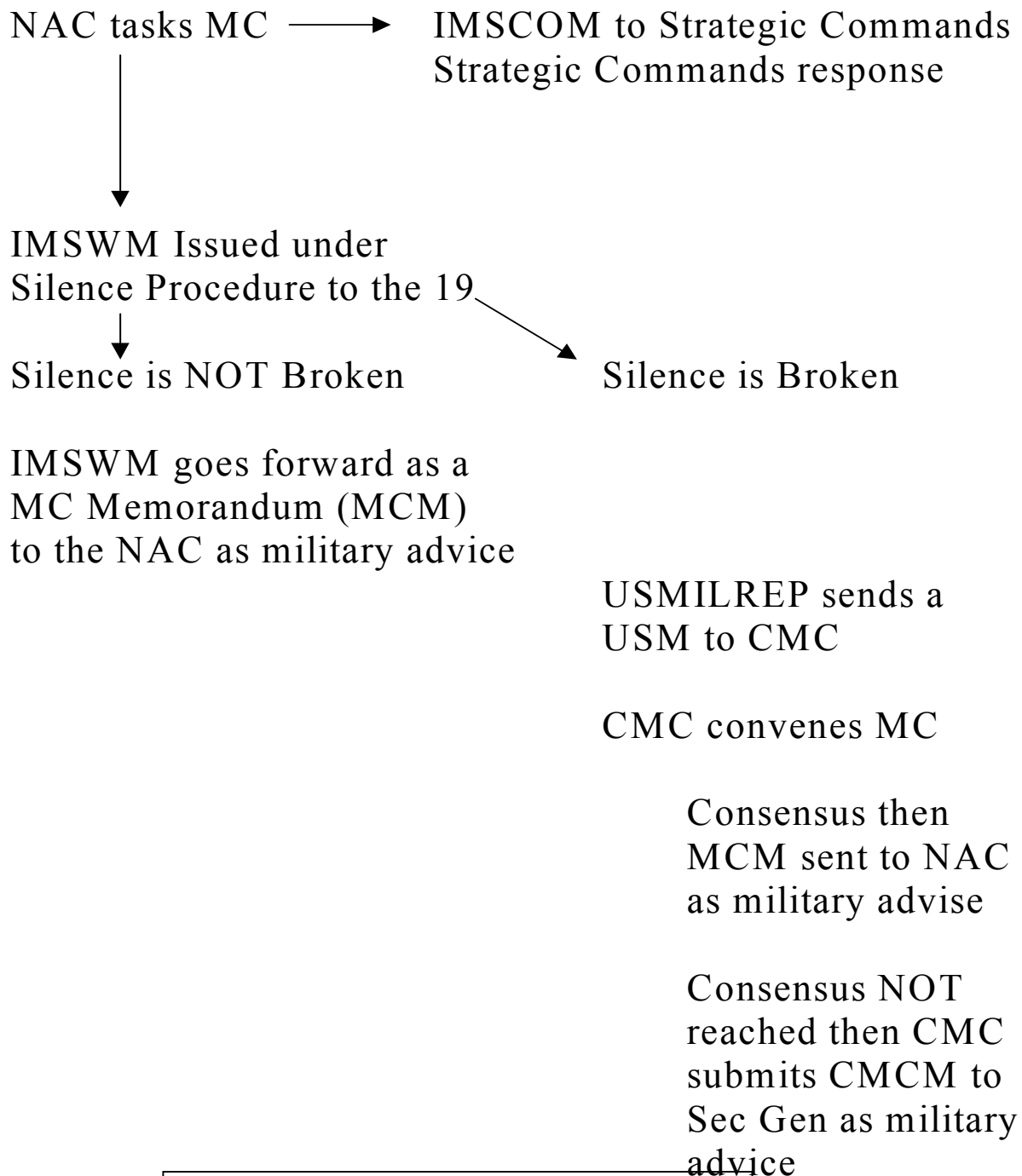
Article 5 is the soul of NATO in that “[t]he Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all...” This Article forms the basis for the collective defense, but it is not unlimited since “if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually, and in concert with the other Parties, such *action as it deems necessary*, including the use of armed force, to restore and maintain the security of the North Atlantic area.” [emphasis added].

This article, as well as Article 51 of the United Nations Charter, requires notification to the United Nations Security Council of “[m]easures taken” in self-defence. Actions planned or actually undertaken pursuant to Article 5 are referred to as “Article 5 Operations.” Article 6 defines the area where Article 5 applies, that is, essentially, “on the territory of any of the Parties in Europe or North America” or the islands in the North Atlantic “under the jurisdiction of any of the Parties...north of the Tropic of Cancer...” Also included in the geographic confines of Article 6 are attacks “on the forces, vessels, or aircraft of any of the Parties when in or over these territories... the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.” Besides “Article 5” operations, NATO conducts “non-Article 5” operations. Often these “non-Article 5 operations” are referred to as Peace Support Operations, or PSOs. The first NATO PSO was the Implementation Force (IFOR) in 1995, pursuant to the General Framework Agreement for Peace (GFAP, also known as the Dayton Peace Accord).

NATO has expanded four times and now numbers 19 members. A fifth expansion could occur as early as 2002. The expansion process is elaborated in Article 10 of the Treaty. Specifically, “any other European State” may be invited to join NATO. The invitation is made by unanimous agreement of the current members and is based on the invitees’ ability to further the principles of the Treaty and “contribute to the security of the North Atlantic area...”

To assist the candidate nation, NATO has developed the Membership Action Plan (MAP). While not establishing criteria, the MAP is a consultative process between NATO and the prospective member to ascertain the progress toward membership. The MAP is divided into five areas dealing with political and economic issues, military and defence issues, resource issues, security issues and legal issues. Each aspiring nation will draft an annual “national programme” on preparations for possible membership, setting objectives for its preparations, and containing specific information on step being taken on the preparations. Participation in MAP does not imply a timeframe for or guarantee of NATO membership. Decisions on membership have been, and will continue to be, decided on a case-by-case basis. The Alliance has no precondition for stationing troops or nuclear weapons on the territory of new members. New members must accede to several key NATO status and technical agreements.

NATO Decision Process: Silence Procedure



*FIGURE 2: NATO DECISION-MAKING
PROCESS*

The Alliance rests upon commonality of views and a commitment to work for consensus. To enhance the consensus building process NATO developed the silence procedure. The silence procedure permits the members to have a vote after discussions and debates have been held in the working groups.

The NAC tasks the Military Committee to provide guidance on an issue. The MC provides guidance to the SCs, who develop their input and report back to the MC. Then the MC tasks the IMS to develop a document called an IMS Working Memorandum (IMSWM, pronounced Im Swim). This document is sent to each member for consideration and coordination with the respective capitals. Each member has two options after reviewing the IMSWM. They may either maintain or break silence. This is the so-called “silence procedure.” If silence is maintained, this means that the member agrees with the content of the IMSWM. If all members agree and maintain silence, then the IMSWM goes forward to the NAC as a MC Memorandum (MCM) of military advice. Silence is broken by the member nation sending a letter to the IMS indicating its objection and the rationale for this objection. Sometimes a breaking nation will supply wording acceptable to it as it tries to achieve consensus. When silence is broken, the working group meets to attempt to achieve consensus.

After this attempt at consensus, the Chairman of the Military Committee convenes the MC. If consensus is reached, the MCM is sent forward to the NAC as military advice. However, the Chairman may send forward his own recommendation, called the Chairman’s Memorandum (CMCM), to the Secretary General as military advice. Consensus is the goal, and often there is a lack of understanding, requiring a member to explain the importance of their position or perspective regarding an issue. Since the process may move quickly, or the Chairman may request approval “at the table,” members assign very senior and knowledgeable officers to the position of MilRep and Deputy MilRep. This procedure can be time consuming yet it can also work rather quickly.

THE U.S. DECISION-MAKING PROCESS

The United States MilRep has a staff of planners that coordinate and work the issues that are presented in the MC. Planners are experts in the topics found in their portfolios. The planners coordinate with the Joint Staff in Washington, who then coordinate the Inter-Agency Working Groups (IWGs) that formulate the U.S. position on the topic.

The formulation of the U.S. position involves coordination between many agencies such as DoD, Department of State (DoS), and the Joint Staff. The U.S. Mission to NATO and the U.S. Military Delegation to the NATO Military Committee also coordinate with each other. On issues within the cognizance of the European Union, coordination is established with the U.S. Mission to the EU (USEU) located in Brussels.

When the U.S. position is formulated and the guidance issued, the planners begin to work the issue with the IMS and the other member’s staffs in Brussels to arrive at consensus. If this background work is successful, the issue is resolved by the document “passing silence.”

NATO RULES OF ENGAGEMENT

The NATO Rules of Engagement (ROE) provide “the sole authority to NATO/NATO-led forces to use force.” Three exceptions to this general rule exist, specifically, “self-defence, during peacetime and operations prior to a declaration of counter aggression...” These ROE are “written as a series of prohibitions and permissions...” The ROE issued as prohibitions “are orders to commanders not to take the designated action(s).” Promulgated as permissions, the ROE “define the limits of the threat or use of force, or of actions that might be construed as provocative, that commanders may take to accomplish their mission.”



US Interaction Within NATO

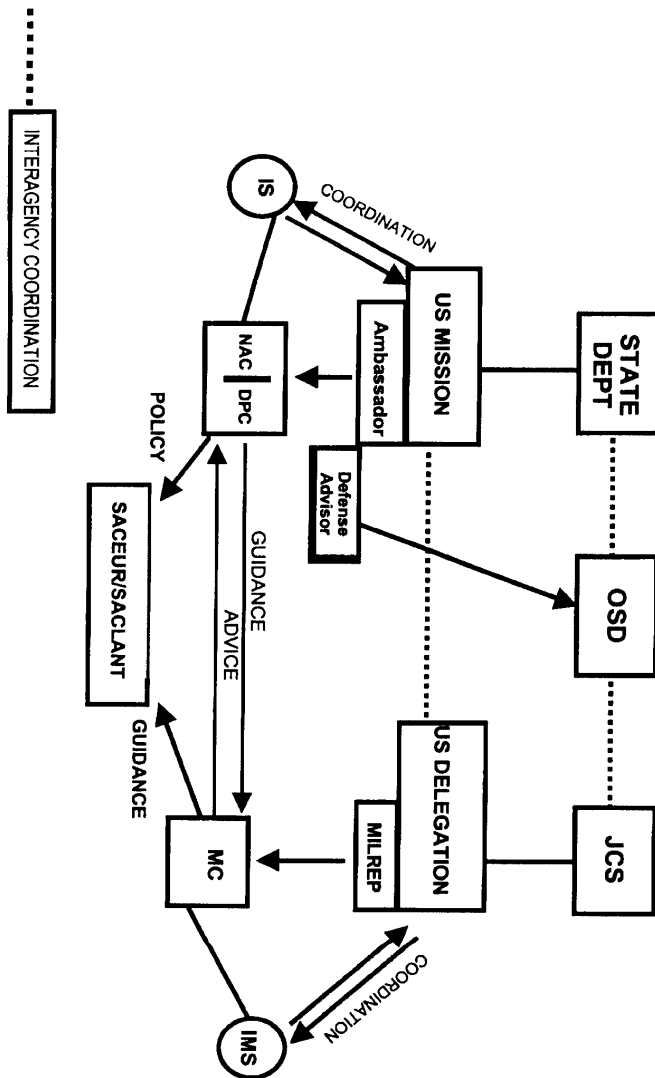
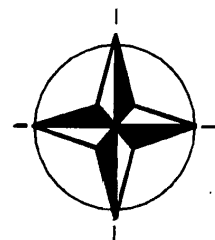


Figure 3: NATO-U.S. Coordination

International law, including the law of armed conflict, applies to all NATO military operations. With the different obligations of each NATO member to “relevant conventions and treaties, every effort will be made to ensure...that a common approach is adopted...for the purpose of military operations.”

NATO members must also adhere to their respective national laws. Each nation has two separate obligations under this provision. The nation must issue instructions restricting and/or amplifying the ROE to their troops to ensure compliance with these national laws. Perhaps more importantly, “nations must inform the NAC/DPC or the Strategic Commander of any inconsistencies, as early as possible.” While separate obligations, the unifying element is the commitment in the Preamble to the Washington Treaty to maintaining the rule of law.

NATO defines “self-defence” as “the use of such necessary and proportional force, including deadly force, by NATO/NATO-led force to defend themselves against attack or an imminent attack.” The definition is further refined by defining “necessary” as “indispensable,” “proportional” as “a response commensurate with the perception of the level of the threat posed,” “imminent” as “manifest, instant and overwhelming,” and “attack” as “the use of force against NATO/NATO-led forces....” Note that Appendix 1 to Annex A, entitled Hostile Intent and Hostile Act, clarifies this guidance. NATO also employs the concept of “extended self-defence” to “defend other NATO/NATO-led forces and personnel in the vicinity from attack or imminent attack.”

Guidance regarding the use of force during peacetime and in operations prior to a declaration of counter aggression is contained in paragraphs 9 and 10 of the document. After a declaration of counter aggression, the ROE “generally limit the otherwise lawful use of force.” Annex A is entitled “Compendium of Rules of Engagement.” For ease of use, there is an index to the ROE in Annex A. Additionally in Annex A there are “Notes” to some of the ROE. Carefully read these “Notes,” as they contain significant information regarding combined operations. Specific guidance on the use of ROE in each of the various warfighting media is contained in Annex B (air), Annex C (land), and Annex D (maritime). There is a glossary in Annex F that is quite helpful. The Compendium may be obtained from the Center for Law and Military Operation (CLAMO) via SIPRNET (see the CLAMO chapter for contact information).

